

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5 <sup>th</sup> December 2023
Address/Location:	RAOB Club, 87 - 91 Southgate Street, Gloucester
Application No:	23/00696/OUT
Ward:	Westgate
Expiry Date:	21 <sup>st</sup> November 2023
Applicant:	Mr Andrew Jamieson - Gloucester Regen Capital Ltd
Proposal:	Outline planning application for the demolition of former RAOB Social Club and redevelopment of the site to provide 17 residential flats and associated landscaping and external works. (landscaping reserved) Revision to extant consented scheme comprising 14 units (17/00658/OUT).
Report by:	F. Ristic
Appendices:	Proposed elevations and floor plans

## SITE LOCATION PLAN



### 1.0 SITE DESCRIPTION AND PROPOSAL

The application site is located to the east of Southgate Street. Until recently the site comprised the now disused RAOB clubhouse and its ancillary buildings. These buildings have recently been demolished and the site is now cleared. It has a site area of 0.07

hectares (0.18 acres). To the north of the site is the grade 2 listed public house 'Whitesmiths Arms'. Immediately to the south is number 93 Southgate Street, a three storey red brick building with office accommodation on the ground floor and residential apartments above. 95-97 Southgate Street is a takeaway on the ground floor with residential use above. The site is located in the Southgate Street Conservation Area on the boundary with The Spa Conservation Area. The area is a mix of residential properties with several shops, restaurants, takeaways and a church. The site lies outside Gloucester's primary shopping area. The applicant has already erected a bat box on the site and one on the side of number 93 Southgate Street as bats were identified in the roof of part of the RAOB prior to its demolition. These boxes were agreed by Natural England and the Council's ecologist.

## 1.1 **Proposal**

This application seeks to redevelop the site by constructing a building to accommodate 17 residential flats (13 x 1 bed flats and 4 x 2 bed flats). 4 of the 5 ground floor units would be M4(2) compliant (all 1 beds) and three of the 5 flats on the ground floor would be social housing (all 1 beds) The original scheme for 14 units was revised a number of times since it was originally submitted to try to ensure that it didn't have a significant impact on 4 and 6 Albion Street or the rear of 93 Southgate Street. This scheme shows a new building at the front of the site facing Southgate Street that would be 3 storeys with a further floor in the roof and then drop to three storeys, then a further drop to two storeys at the rear. The rear section would be built in the style of a mews development. There would be no off street parking at the site. The application does include an enclosed refuse store and cycle storage with 20 cycle spaces. These would be accessed via a gated passage at the side of the building between the site and the Whitesmiths Arms. This gated passageway would also access the mews flats at the rear.

### *Proposed layout*

The ground floor has been arranged to provide a communal residential entrance to the front of the building accessed from Southgate Street which would lead to a 2 bed flat and the communal stairs which provide access to the accommodation at upper floors. To the rear of this would be an internal, communal bin store and bike store. The mews building to the rear would provide 2 adjoining buildings each with their own entrance and stair core providing 4 x 1 bed flats per floor and three flats on the top floor where the rear drops down to two storeys.

The first floor at the front provides two flats accessed from the shared stair. The second floor proposes two further flats in the front building. The third floor would comprise a two bedroom flat built within the pitched roof.

### *Outside space*

The application proposes a mixture of hard landscaped borders and soft planting to the borders. There would be a small shared drying green at the rear of the property. The landscaping scheme would be further developed as part of the reserved matters application which would include more details on planting, surface materials and boundary treatments.

### *Materials*

The proposal is for natural facing brick, render and natural timber cladding, The roof is proposed to be zinc standing seam with single ply membrane and painted aluminium window frames are proposed. The doors would be clear glazed with a painted aluminium frame. It is recommended that a condition on the permission requests details of materials.

## 2.0 **RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
44/43792/HIST	31885/04:- Rebuild 89 and rear of 91 to form club accommodation on ground floor and offices above and alterations to front elevation. (no 87-91)	Granted	13.07.1989
44/43793/HIST	31885/04/lbc:- Alterations to ground floor front elevation, substantial demolition and alterations and re-building to the rear of the front facade. (no 91)	Granted	13.07.1989
44/43794/HIST	31885/04/cac:- Demolition of three storey front part of non-listed building. (no 89)	Granted	13.07.1989
16/00421/FUL	Demolition of all the buildings above ground level behind the rear wall of the "courtyard" (amended description)	Granted	08.06.2016
17/00658/OUT	Outline planning application for the demolition of the remainder of former RAOB Club and construction of 14 units (C3) together with landscaping and associated works (landscaping reserved) (amended plans and description)	Granted	01.08.2023
23/00231/CON DIT	Discharge of condition 4 (Construction Method Statement) and 7 (demolition statement) of permission 16/00421/FUL	All discharged	28.03.2023

### 3.0 RELEVANT PLANNING POLICY

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

#### **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance.

#### **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
- SD4 – Design requirements
- SD.8 – Historic Environment
- SD.9 – Biodiversity and Geodiversity
- SD.10 – Residential development
- SD.11 – Housing Mix and standards
- SD.12 – Affordable housing
- SD14 – Health and environmental quality
- INF1 –Transport network
- INF.3 – Green Infrastructure
- INF4 – Social and community Infrastructure
- INF.7 -Developer Contributions

### **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 (existing policies) 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.

### **Development Plan Gloucester City Plan**

Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The plan has now been adopted so significant weight may be given to individual policies.

Relevant policies from the Gloucester City Plan (2023) include

- A1 – Effective and efficient use of housing, land and buildings
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- D1 – Historic Environment
- D2 – Non-designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- E4 – Flooding, sustainable drainage, and wastewater
- E6 – Development affecting the Cotswold Beechwoods
- F1 – Materials and finishes
- F2 – Landscape and planting
- F6 – Nationally described space standards
- G1 – Sustainable transport
- G2 – Cycling
- G3 – Walking
- G4 – Broadband connectivity
- G6 – Water efficiency

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**

## **Archaeology**

4.1 All built heritage considerations with regard to recording has been dealt with in this site. Because of this, and our updated standard conditions, my comments and suggested conditions differ somewhat from those submitted in 2017. The limited archaeological evaluation undertaken thus far on the site has recovered Roman and medieval pottery as well as evidence for post medieval buildings. Archaeological investigations just 40 metres to the east at 19 Brunswick Square found evidence of prehistoric flint tools and Roman settlement activity. Other excavations 50 metres to the north around Albion House have found evidence for a Roman cemetery. In light of this I am content that significant archaeological remains may survive beneath the site. Given that potential I recommend that the following conditions should be attached should you be minded to grant consent:

1. **SC47 Post-determination Archaeological Evaluation**
2. **SC48 Approval of foundations, services and other below-ground infrastructure**
3. **SC45 Archaeological Written Scheme of Investigation- Submission of Details**
4. **SC46 Archaeological Written Scheme of Investigation- Implementation of Approved Scheme**

## **COUNTY EDUCATION AND LIBRARIES**

4.2 Thirteen of the dwellings are 1 beds and 4 of the dwellings are 2 beds. This falls below the number of dwellings required for an assessment

## **CIL IMPLICATIONS**

4.3 For the Community Infrastructure levy (CIL) the implications for this development of 17 residential units is the same as for the extant permission's 14 residential units as the Gross Internal Area (GIA) on which CIL is calculated is the same:

- Market Dwellings = 875 square metres (sqm)
- Affordable Dwellings = 135 sqm
- Total GIA for all Dwellings = 1,010 sqm

(SOURCE: **CIL Form 1 'Additional Information'** for 17/00658/OUT and 23/00696/OUT, both dated 22.03.2023)

## **THE GROSS CHARGE**

The CIL charge was set in 2019 at £45 per sqm which, with the indexation that is applied each year to take account of inflation, is currently (in 2023) £49.61 per sqm (see the latest Annual CIL Rate Summary Statement under 'Indexation' on our 'Submitting a Planning Application' webpage at [Submitting a planning application - Gloucester City Council](#)).

The total CIL chargeable area of 1,010 sqm gives a charge of £50,107.92.

## **JUSTIFYING DEDUCTIONS**

It is possible to claim deductions from the CIL chargeable area. **Regulation 40, Schedule 1** allows deductions for any existing building, still standing on the site on the first day that the consent permits development, which is to be demolished or re-used and has been in actual lawful use for a continuous period of 6 months in the 3 years leading up to the grant of planning permission. The onus of responsibility is placed on the applicant to **submit evidence** to the Council to prove that these conditions are met, however, in this case CIL Form 1's submitted for both 17/00658/OUT and 23/00696/OUT state, in section 7, that the building hasn't been in use since 2014.

## **CLAIMING RELIEFS**

It is also possible to claim relief from the CIL charge for certain purposes such as for residential extensions and annexes, whole self-build houses and, as in this case for the Social Housing to be provided on site. In section 5 of the CIL Form 1's for both 17/00658/OUT and 23/00696/OUT the intention to claim the same GIA of 135 sqm is made. A pre-requisite of claiming any relief is the assumption of liability for the CIL charge by the submission of **CIL Form 2 'Assumption of Liability'**. For 17/00658/OUT CIL Form 2 has already been submitted, but this would need to be done for 23/00696/OUT before the commencement of the development. Social Housing relief is mandatory but must still be claimed, with the submission of **CIL Form 10 'Charitable and/or Social Housing Relief Claim Form'**. Along with CIL Form 2 this must be done prior to the commencement of development and once awarded the relief must be registered as a Local Land Charge against the development site for a clawback period of 7 years. If during the clawback period there is a 'disqualifying event', which in this case would be that a dwelling ceased to be a qualifying social housing dwelling, then the relief granted for that dwelling would become payable. However, this would not default to any future landowner or proprietor of title as liability would have been assumed by a qualifying developer or development partner with the submission of CIL Form 2.

#### POTENTIAL NET CHARGE

In the case of both 17/00658/OUT and 23/00696/OUT if the above requirements are met then relief of £6,697.35 could be awarded reducing the CIL payable to £43,410.57.

#### 4.4 Environmental Health – Noise

##### Noise

The recommendations of submitted noise assessment (Impact Acoustics IMP5079-2 V1.0 Dated April 2018) can be applied to the revised development proposal. When the applicant has decided which glazing and ventilation products they wish to install the applicants' acoustic consultant should confirm that they will achieve the same or greater noise reduction as those recommended in the noise assessment. Additionally, the applicant should confirm that the roof construction(s) will also meet the recommendations of the noise assessment.

##### Demolition and Construction Phase Nuisance

In order to minimise any nuisance from noise, vibration and dust emissions during the demolition and construction phases the applicant should refer to the WRS Demolition and Construction Guidance and ensure its recommendations are complied with.

#### 4.5 Canal and Rivers Trust

No comment

#### 4.6 Waste and Recycling

We will supply 1100 litre communal refuse and waste recycling waste receptacles with 360 litre and 240 litre supplementary receptacles for this site. The refuse and waste receptacles will have to be presented at kerbside by the residents/management company for collection and removed from the kerbside following collections. The developer will need to make sure that the bin store is of sufficient size to contain the 1100 refuse and recycling bins to pass through to kerbside. There will need to be a dropped kerb at the roadside for the crews to take the receptacles from the kerbside to the RCV's.

When the works have been completed there will be need for a site meeting with the developer and the waste collection supervisors to check the dropped kerb and discuss the collection point.

**4.7 Ecology** - No objection as looked at in detail and worked through with the previous scheme subject to a condition to retain bat boxes at the site

**4.8 LLFA (response to further drainage details - 12<sup>th</sup> October 2023)** – The proposal is in flood zone 1 on a site at negligible risk of surface water flooding. The proposal includes measures to reduce surface water discharge to the local combined sewer network to 2.3l/s. This is 40% betterment over the existing surface water discharge rate from the site of 3.94l/s.

The LLFA has no objection to this proposal

#### **4.9 Drainage**

I can confirm that I am satisfied with the proposals from a drainage and flood risk perspective. I would recommend application of the condition set out below. This does not require the submission of any further details, just compliance with the details already submitted and approved.

#### **Condition:**

No building hereby permitted shall be occupied until the sustainable surface water drainage scheme for the site has been completed in accordance with the details shown on the approved plans (11955/510 P2; 11955/511 P2; 11955/512 P2). The drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan submitted with the application (maintenance specification - Project Ref 11955 - Rev A.)

#### **Reason:**

To ensure development would not result in unacceptable risk of pollution or harm to the environment and to ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner

#### **4.10 Contaminated Land**

Thank you for your recent consultation regarding the above referenced application in relation to contaminated land matters. WRS understand that the current application is a revision of the original scheme detailed under the previous application ref 17/00658/OUT, WRS provided comments on this previous application on 24.06.19 & 21.04.23.

WRS have reviewed the supporting information and available records to determine any potential contaminated land issues. We understand that the site is located adjacent to a former scrap metal yard and there is the potential for contamination to have migrated onto the site. WRS considers that full contaminated land conditions would be too onerous for this application but recommend that the following 'unexpected contamination' condition is placed on any permission granted under the current application.

In addition it may be helpful to forward the following advisory note to the applicant in relation to the undertaking of an asbestos survey prior to demolition of the current building.

#### **Advisory Note - asbestos and asbestos containing material (ACM)**

#### **Condition – Unexpected Contamination**

If you have any further queries regarding this matter or information provided in support of the application requiring comment by the Land and Air Quality Team please do not hesitate to

contact us via [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk) or 01905 822799 quoting the above reference number.

*Note – The asbestos note will not be recommended for the demolition as the buildings are now demolished.*

#### **4.11 Highways**

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions and financial obligations.

The justification for this decision is provided below. The proposed application is a revision to planning application reference: 17/00658/OUT "...for the demolition of the remainder of former RAOB Club and construction of up to 19 units (C3) together with new access Tel: 01452 425656 Email: michael.sendall@gloucestershire.gov.uk off Southgate Street, car parking, landscaping and associated works to provide 19 residential units". This was subsequently amended to provide 14 residential units.

This proposal seeks consent for 17 no. residential units and will continue to be a car free development, this is lower than the original submission, but greater than the revised application. Access to the site will be provided via the footway site side of Southgate Street. The site is located within a controlled parking zone (CPZ) and we have reviewed the current demand for resident's parking permits in zone GC, which covers the immediate area. I can confirm that the levels of demand exceed capacity by over 200%. Any demand for additional on-street parking generated by this development would displace demand onto areas outside the CPZ resulting in an adverse impact on highway safety and a significant impact on congestion. It is therefore deemed necessary to exclude future occupiers of this development from being able to apply for a residents parking permit.

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

#### **Conditions**

1. Bicycle Parking
2. Residential Welcome Pack
3. Construction Management Plan

#### **Informatives**

You are advised that the Local Highway Authority has recommended to the Local Planning Authority (LPA) of which the development forms part and shall be treated as car free/low-car and the occupiers are ineligible for resident parking permits as well as visitors permits if in a residents parking scheme.

#### **Impact on the highway network during construction**

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right



of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed. Construction Management Plan (CMP) 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.

Planning Obligations Contribution of £10,000.00 to amend Traffic Regulation Order (TRO) to exclude residents of the proposed development from obtaining permits in the residents parking scheme of zone GC.

#### **4.12 Severn Trent Water**

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

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: we would not permit a surface water discharge into the public combined sewer, unless it is demonstrated there are no other options available and recommend the applicant seeks alternative arrangements

#### **4.13 Conservation**

##### **Legislation**

The property is located within the Southgate Street Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Conservation Area was designated 2007 and the Conservation Area Management Plan has been adopted as an SPD.

##### **National Guidance**

Section 16 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 197 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and

distinctiveness

Paragraph 199 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 200 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification.

##### **Development Plan**

The Joint Core Strategy was adopted December 2017. Policy SD8 relates to historic environment. The Gloucester City Plan was adopted January 2023. Policy D1 in the adopted Gloucester City Plan (City Plan), focuses on the historic environment. It states that development proposals must conserve the character, appearance and significance of designated and non-designated heritage assets.

Proposals and comments

This application is a revision to the previously consented scheme under 17/00658/OUT from 14 Units to 17. The principal of demolition of the element of the former RAOB unit attached to the Grade II listed Whitesmiths arms has been agreed and satisfactorily undertaken under the previous consent and through Listed Building Consent 23/00415/LBC for the alterations to the gable end of the Whitesmiths Arms, so this element is not considered within this consultation response.

The proposal is to increase the number of units within the scheme, the street scene remains unchanged from the previously consented scheme with the additional units being set back behind the front block. I have no objections to the increase in numbers and the resulting changes to the rear elevations to increase the height of the rear block. However, the front elevation still offers little contribution to the Southgate Street scene and some architectural interest would have been welcomed. Particularly where the proposed ground floor windows look directly on to the pavement with no set back and the building is built out to the edge of the plot.

I do not consider that the additional units and the upward extension will alter the impact on the character of the Conservation Area from that in the previously consented scheme which is considered to be less than substantial harm.

**Recommendation: Approve**

For the reasons outlined above, it is considered that the current proposal would preserve and enhance the character and appearance of the Southgate Street Conservation Area and would sustain its significance as a designated heritage asset. As such the proposal accords with Section 16 of the National Planning Policy Framework and JCS Policy SD8, and policy D1 of the City Plan and would meet the requirements of the statutory duty of Section 72(1) of the 1990 Act.

**4.14 Civic Trust**

No response

**4.15 Housing**

**Summary**

The application does not comply with Nationally Described Space Standards (NDSS) and falls significantly short of NDSS on 13 of the proposed 17 homes. The smallest of these homes only achieves 90% performance against NDSS and is too small to provide a quality living environment. Flat 1 on the 2nd floor meets NDSS with the remaining 3 homes exceeding NDSS, which is due to them being single occupancy studio homes. The proposal includes the required minimum of 4 homes to be to M4(2) standard, in compliance with A6 of the City Plan. The application does not provide a mix of homes, and therefore is not creating a mixed and balanced community, in line with JCS policy SD11. The application does not offer any private and exclusive functional outdoor amenity space for the individual homes, only a small communal garden to the rear of the site. The proposal encourages active transport by the inclusion of bicycle storage, and benefits from being a city centre location with access to bus routes and the train station. There is no associated car parking with the development. On this basis, HPST would recommend refusal, but the application could be made acceptable by a reduction in quantum, with fewer larger homes allowing for NDSS to be met across the scheme.

**Design Principles**

The council wishes to see affordable rented homes provided to a double standard i.e., 1 bed 2 person, 2 bed 4 persons, 3 bed 6 persons, 4 bed 8 persons. This is to allow homes to be fully occupied and meet housing need. Only 10 of the homes are to double occupancy standards but none of these are compliant with National Described Space Standards. 3 homes exceed NDSS by being single occupancy

It is a priority for HPST that developments provide quality homes that people want to live in, and HPST are of the view that the proposed homes are too small to provide quality living

environment for the intended occupants. It is the view of HPST that the applicant has reduced the occupancy of the 2 bedroom homes from 4 persons to 3 to reduce the extent of underperformance, but this does not resolve the issue of the homes being too small. As the property is a new build rather than a conversion, it is not constrained by existing building layout and should take the opportunity to achieve better use of space to comply with Policy A1.

This can be seen on the 2nd floor, where Flat 2 is 1 bed 2-person home at 46sqm in size, contrasted with Flat 5 on the same floor, which is designated as a 1 bed 1 person home, yet is larger at 48sqm. Whilst Flat 5 is still slightly shy of achieving NDSS for 2 people, it would be a more effective use of space to have these round the other way.

The development considerably overdelivers on 1-bedroom homes at a rate far higher than housing need. The effective and efficient use of land will impact on both design quality and quantum achieved on the site. There is scope for the design of the site to provide both the right mix of housing and meet the Councils housing obligations. HPST would suggest a revised application consisting of fewer larger homes, both in terms of size per home and in the number of bedrooms being provided. For example, the ground floor could accommodate 2 x 2-bedroom 4 person homes (70sqm) and 1 x 3- bedroom 6-person home (95sqm).

The application is compliant with SD12 of the JCS by providing 3 homes that will be for Affordable Housing. The concern from HPST however is that as the ground floor homes that have been allocated for this provision do not meet NDSS, it is unlikely a Registered Provider would be willing to take these on.

HPST reiterate comments made on an earlier application in relation to the design of Flat 1 on ground floor. The property has 3-bedroom windows that are level with the street and pavement. HPST would suggest the applicant consider whether the layout of this flat could be altered to offer more privacy for the bedroom space, instead having the living space adjacent to the streetside.

#### Accessible and Adaptable Housing

Policy A6 of the Gloucester City Plan requires 25% of all homes across a development to be completed to M4(2) standard, and 4% of the affordable housing provision to meet M4(3) standard. JCS Policy SD11 advises that 'housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8'.

On a development with 17 homes, a minimum of 4.25 homes should be provided to M4(2) standard, in compliance with A6. Due to the size of the development the requirement for M4(3) provision will not apply. The application is providing 4 homes on the ground floor to M4(2) standard and is policy compliant having been rounded down.

HPST would expect to see annotated drawings showing how these properties are used and accessed. It is not clear from the application if these homes are big enough to 4 comply with Part M Building Regulations, in terms of circulation space and the width of internal spaces.

It should also be noted that the Building Regulations also cover the requirements in relation to access to the building and associated parking. There is no parking proposed for this development, which overall HPST would see a positive given the city centre location, however, for someone with mobility issues, they may have difficulty in accessing the

property by car if there is no “drop off” space on Southgate Street. M4(2) Regulations set out how parking should be designed for such homes

It is expected that the developer will ensure that adaptations for the 3 x ground floor M4(2) Affordable Homes can take place following completion, reflecting provisions of the Section 106 agreement. This will mean the developer will need to liaise with the Registered Provider to ensure defects periods are not adversely affected by any further adaptations. The provision of accessible and adapted home should be conditioned, thereby triggering Building Control inspection to ensure compliance on completion. This is of particular importance in relation to open market dwellings (Flat 2 on the ground floor).

### Active Transport

Applications will be expected to maximise all viable options to improve opportunities for walking and cycling in and around proposed developments, in line with policy C1 of the City Plan. By minimising car parking opportunity on a development, this would encourage the take up of walking and cycling.

There is no car parking provision on site as the property is located within close proximity to the city centre and is within walking distance to several bus routes across the city and the train station.

The scheme is proposing both internal and external bicycle storage, totalling a 20 cycle spaces. The maximum occupancy of the scheme is 39 residents, so there is storage opportunity for 50% of the residents.

### Private Amenity Space

HPST are of the view that private outdoor amenity space should be included as part of any design, and to mitigate the use of flats. The application includes a small shared communal garden to the rear, however, does not offer any exclusive outdoor space. The Juliette balconies for the first floor flats do not offer useable outdoor space, and open inwards which further limits the available 5 and useable indoor space, which is a particular concern given how already small size of these homes.

The National Design Guide specifies in section H2 that amenity spaces should have a reasonable degree of privacy, and that private external space incorporates planting, storage, a clothesline and an outdoor entertaining area. External apartment balconies should provide space for a table with chairs.

The London Housing Design Guide, published in 2010 by the Mayor of London, sets out that as a minimum outdoor space should be sufficient as to allow for occupants to have a meal around a small table, to dry clothes, or for a family to sit outside with visitors. Section 4.10 specifies a minimum of 5 sqm of private outdoor space is required for all 2 person dwellings with an extra 1 sqm for each additional occupant. The minimum width and depth for all balconies and private external spaces is 1500mm.

Given these specifications have been created for a denser, space-poor urban city, it is not unreasonable to expect that these can also be achieved in Gloucester.

The applicant should consider in context of the development, whether any functional private outdoor space can be incorporated to the design such as inset balconies and roof terraces.

### Conclusions

The application fails to meet NDSS on 13 of the 17 homes, and significantly underdelivers. The 3 homes that exceed NDSS are to single occupancy standard. The proposed property is a new build rather than a conversion, and so is not constrained by an existing building layout and therefore the applicant should take the opportunity to achieve better use of space. The application is compliant with A6 of the City Plan in that it states that 4 homes will be to M4(2) standard, with 3 of those being the required 3 Affordable Homes. The standard should also be conditioned. The applicant needs to address the issue of vehicular access for the M4(2) homes. The proposal encourages active transport by the inclusion of internal and external bicycle storage space, and with no car parking associated with the development. The application does not offer any private functional outdoor space for the individual homes, only a small communal garden to the rear of the site, and the use of Juliette balconies on the upper floors further restricts internal floor space. 6 On this basis, HPST would recommend refusal, but the application could be made acceptable by a reducing the number of homes on the scheme, meeting NDSS on all homes and the addition of a larger family home.

## 5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified and a site notice and press notice was published. No letters of objection were received

5.2 The application can be viewed on: [View your planning applications - Gloucester City Council](#) within the Westgate ward.

## 6.0 OFFICER OPINION

### **Legislative background**

6.1 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 and the Gloucester City Council Local Plan (2023). 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 regard to this application are as follows.

- Principle
- Design, layout and landscaping
- Contaminated land
- Affordable housing
- Heritage issues
- Traffic and transport
- Biodiversity
- Residential amenity
- Archaeology

- Open Space, Recreation and community facilities
- Drainage and Flood Risk
- Noise
- Economic considerations

### **Principle**

6.5 The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).

6.6 The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.7 The NPPF (2021) clarifies that: 'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

6.8 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.

6.9 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City of Gloucester. In terms of the broad principles of development, the site is a brownfield site within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply.

6.10 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 such as the impact on the Conservation Area, Noise, Impact on the Listed Buildings and Highways.

### **Design, layout and landscaping**

6.11 The NPPF requires developments to be of high quality design and respond to local character integrating into the local environment. The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments will function well and add to the overall quality of the area, are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of

development, and create safe, inclusive accessible places.

6.12 JCS Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting.

6.13 The previous application was amended a number of times since it was first submitted to improve the relationship of the buildings with the neighbouring properties and the design of the building in the street scene. This final design came from acknowledging that the character of the surrounding area is predominantly 2 to 3 storey to the frontage with narrow plots and that any extensions are subservient to those on the principal frontage. The height of the scheme was reduced to three storeys with dormers in the roof at the front. The frontage no longer appears overly dominant or overbearing in the street scene. The front elevation has also been improved with more vertical emphasis reminiscent of nearby town houses. The elevational form to Southgate Street has been refined to provide a contemporary approach of townhouse with dormer windows to the front elevation matching that of 136-138 Southgate Street. The material choice will highlight the contemporary approach with a zinc standing seam roof, aluminium doors and windows, timber cladding to stair cores, glazed balustrades and a louvred privacy screen. The quality of the materials will be key to the success of the scheme.

6.14 The rear section has been designed with a mews development in mind. The mews flats would be accessed from the side. The brick, render and timber would break up the elevations and mass of the building. This design differs from the previously granted scheme by the addition of three more units as a third floor to the mews section. The very end of the mews has been kept at two storey to ensure that the scheme is not overly dominant on the rear garden of number 6 Albion Street. It is considered that the revised design would enhance the conservation area and would not appear overly prominent in the area. It is therefore considered that the proposal complies with policy SD.4 of the JCS (2017)

### **Contaminated land**

6.15 The Council's Environmental Health Officer has looked at the records for the site and has recommended a contaminated land condition. They also recommended an informative about asbestos regarding the demolition of the existing buildings. The informative is not required as the buildings on the site are now all demolished.

### **Affordable Housing**

6.16 The Council's Housing Strategy team have confirmed that there is a substantial need for affordable housing in the city. This application is for 17 units and under the JCS policy would be expected to provide 20% affordable housing on-site unless it can be justified why on-site is not possible. For this scheme this would result in 3 dwellings. The applicant has agreed to this and 3 of the 1 bed roomed dwellings would be affordable housing and this would be secured via the S106 agreement.

6.17 As the application will provide 20% affordable housing in accordance with the requirement in the Gloucester City Plan (2023), the proposal is policy compliant. The proposal would also provide 4 of the 5 ground floor units as M4(2) compliant (all 1 beds). This is supported by the Housing Strategy team. The applicant has provided additional plans to show the accessibility of these M4(2) units.

### **Heritage Issues**



6.18 This site has been subject to much discussion. The original scheme required significant changes to address concerns raised regarding the following aspects -

- Loss of No 87 Southgate Street
- Setting and impact on the designated asset of the Whitesmiths Public House
- Height, scale and massing relating to surrounding character
- Elevation treatment

6.19 The buildings on the site have now been demolished since the previous application was submitted and the gable end repairs to the Whitesmiths Arms have been completed. Therefore the loss of number 87 is no longer an issue.

**Setting and impact on the designated asset of the Whitesmiths Public House** The original scheme was revised to provide a development which follows that of the adjacent terracing. The heights have been reviewed together with the materials and design of the scheme

**Height, scale and massing and elevational treatment** - The character of surrounding area is predominantly 2 to 3 storey to the frontage and plots are narrow and any extensions are subservient to those on the principal frontage. The height of the proposed building would not appear out of keeping in the surrounding area. The elevational form to Southgate Street will provide a contemporary approach of townhouse with dormer windows to the front elevation matching that of 136-138 Southgate Street. Materials include a zinc standing seam roof, aluminium doors and windows, timber cladding to stair cores, glazed balustrades and a louvred privacy screen. Materials are important and the scheme has provided a rendered treatment as an alternative to Break up the massing and that of the front elevation. A stone string course has been added which assists in providing a definition to the ground floor following the commercial shopfronts adjacent.

6.20 The scheme has been revised on several occasions to take account of concerns raised and changes submitted to reflect the discussions. The scheme utilises high quality materials and has been subject to numerous design discussions and refinements. The choice of materials would be critical to the success of the scheme and these would be conditioned should permission be granted.

6.21 The councils conservation officer has not objected to the proposal stating that she has no objections to the increase in numbers and the resulting changes to the rear elevations to increase the height of the rear block. It is noted that the conservation officer considers that the front elevation still offers little contribution to the Southgate Street scene and some architectural interest would have been welcomed. Particularly where the proposed ground floor windows look directly on to the pavement with no set back and the building is built out to the edge of the plot. However, the conservation officer has recommended approval of the scheme. The front of the scheme is unchanged from the previously consented scheme.

6.22 To conclude, I do not consider that the additional units and the upward extension will alter the impact on the character of the Conservation Area from that in the previously consented scheme which is considered to be less than substantial harm.

### **Traffic and transport**

6.23 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network. NPPF paragraph 108 provides that it should be ensured that, *inter alia*, any significant impacts from development

on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.24 The proposed scheme would be car free but would provide 20 secure and covered cycle spaces. The area is within the Gloucester Central controlled parking zone which is covered by a Traffic Regulation Order (TRO). Under the TRO, residents with a council tax number are able to apply for up to two parking permits to allow them to park within the controlled parking zone. However it is advised that the existing permit scheme in the area is already oversubscribed by 200%. Given this situation, additional permits associated with this residential development would have an unacceptable impact on highway parking capacity. The controlled parking zone would have a deficit of parking opportunities within an acceptable distance of the proposed development as there would be fewer parking opportunities than permits. Any demand for additional on-street parking generated by this development would displace demand onto areas outside the CPZ resulting in an adverse impact on highway safety and a significant impact on congestion. It is therefore deemed necessary to exclude future occupiers of this development from being able to apply for a residents parking permit. The applicant is therefore required to pay a Planning Obligations Contribution of £10,000.00 to amend Traffic Regulation Order (TRO) to exclude residents of the proposed development from obtaining permits in the residents parking scheme of zone GC. The applicant has agreed this and this would be secured through the S106.

## **Biodiversity**

### ***Bats***

6.25 Bats are a European Protected Species (EPS) under the 'Regulation 53 of the Conservation of Habitats and Species Regulations 2017' and the authority is required to have evidence to support an assessment of the likely impact on EPS, prior to issuing consent.

6.26 The planning authority takes guidance from the three tests in Regulation 55 of the Conservation of Habitats and Species Regulations 2017 and before determining this application has also taken into consideration ODPM Circular 06/2005 (paragraphs 99, 112 & 116). Regulation 55(2) defines the circumstances where derogation is allowed for an affected EPS and a license could be issued by Natural England. All three test are to be met by the proposals prior to planning permission being allowed which include:

- The first test set out in Regulation 55(2)(e) deems that the need for the development should be in the interests of public health, public safety and an imperative reason of overriding public interest, which includes beneficial consequences of primary importance for the environment.
- The second test set out in Regulation 55(9)(a) deems that there should be 'no satisfactory alternative'.
- The third test set out in Regulation 55(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of an EPS.

6.27 A Bat Survey report was submitted with the previous application and recently updated in 2023. A small common pipistrelle bat roost was identified in the north-western part of the building. The applicant undertook bat emergence surveys and obtained a licence from Natural England. The existing buildings have now been demolished on the site and the applicant has constructed 2 bat boxes on the site. One is pole mounted at the rear of the

site and one is a box on the side of number 93. These were designed and approved by the councils ecologist and Natural England. The applicant has also designed a roost in the new gable end of the Whitesmiths Arms. The Council's ecologist has no objection to the proposals as the ecological issues were assessed with the previous scheme. It is recommended that the bat boxes are conditioned to remain in perpetuity as agreed with the previous scheme and a condition should be placed on the permission requesting details of lighting to ensure that it is acceptable for the bats.

### ***Cotswold Beechwoods and Alney Island***

6.28 Natural England were consulted on the original scheme and recommended that in regard to the Severn Estuary Special Protection Area (SPA), the application could, in combination with other new residential development in the authority area, have potential significant effects on mobile species outside the SPA boundary i.e wild birds designated as part of the SPA. Natural England required further information in order to determine the significance of these impacts and the scope for mitigation. The Council produced a Habitats Regulation Appropriate Assessment for the site This recommended that the applicant produce a householder information pack for residents about Alney Island SAC and a £2,000 payment for informative signage at the SAC to mitigate the potential impact from residents on the SAC. These suggested mitigation measures have been agreed by Natural England and accepted by the applicant. These will form part of the legal agreement.

6.29 Since the previous application, the Council now have agreed with Natural England a set cost for applicants to contribute towards the protection of the Cotswold Beechwoods SAC. The applicant accepts this cost and this will also be covered by the legal agreement.

### **Residential amenity**

6.30 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.31 This previous application was revised a number of times to minimize the impact on the amenity of the neighbouring properties. The main concerns was the impact on the rear facing bedroom windows of 2 and 4 Albion Street. Impact on the rear and the garden of 6 Albion Street and impact on the rear of the property and the rear garden of 93 Southgate Street.

– *Rear garden of number 6 Albion Street* - There is a distance of 10m from the corner of number 6 to the corner of the proposed building. Under the previous scheme, the applicant moved the proposed window in the rear elevation at 2<sup>nd</sup> floor level to the back of the site. This would therefore not directly overlook the rear garden of number 6 Albion Street.

-*Rear windows 2 and 4 Albion Street* – There is a distance of 12 and 14m from the rear of the windows in 2 and 4 Albion Street to the side elevations of the new building. Given these distances, the applicant has proposed opaque glazed windows with powder coated aluminium frames and louvred privacy screens with opaque glazed fins to minimise the impact of overlooking the rear of numbers 2 and 4 Albion Street.

–*Rear garden 93 Southgate Street* – The applicant has proposed obscure glazing to the bathroom windows and high level kitchen windows to the side elevation facing the rear amenity area of number 93. The building would also be staggered away from the boundary.

6.32 It is considered that the proposed design would not significantly impact on the amenity of the neighbouring properties given the staggering away from the boundary with number 93 and the distances from the properties in Albion Street.

Environment for future occupiers

6.33 Consideration also needs to be given to the living environment which would be provided for any future occupiers of the proposed residential units. Paragraph 130 (f) 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

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

6.35 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.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_Final\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf)

6.36 The standard provides that any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. The standard also requires that any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area. Further, the standard requires that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area.

	<u>Floor area</u>	<u>meet NDSS</u>
Bedroom 1- 2 bed 4 persons	58m <sup>2</sup>	70m <sup>2</sup> No
Bedroom 2- 1 bed 2 persons	45m <sup>2</sup>	50m <sup>2</sup> No
Bedroom 3- 1 bed 2 persons	45m <sup>2</sup>	50m <sup>2</sup> No
Bedroom 4- 1 bed 2 persons	45m <sup>2</sup>	50m <sup>2</sup> No
Bedroom 5- 1bed 2 persons	45m <sup>2</sup>	50m <sup>2</sup> No
<u>First floor</u>		
Bedroom 6- 2 bed 4 persons	59m <sup>2</sup>	70m <sup>2</sup> No
Bedroom 7- 1 bed 2 persons	48m <sup>2</sup>	59m <sup>2</sup> No
Bedroom 8- 1 bed 2 persons	46m <sup>2</sup>	50m <sup>2</sup> No
Bedroom 9- 1 bed 2 persons	46m <sup>2</sup>	50m <sup>2</sup> No

Bedroom 10- 1 bed 2 persons 46m2	50m2 No
Bedroom 11- 1 bed 2 persons 46m2	50m2 No

### Second floor

Bedroom 12- 2 bed 4 persons 61m2	70m2 No
Bedroom 13- 1 bed 2 persons 46m2	50m2 No
Bedroom 14- 1 bed 1 person 46m2	39m2 Yes
Bedroom 15- 1 bed 1 person 46m2	39m2 Yes
Bedroom 16- 1 bed 1 person 46m2	39m2 Yes

### Flat 3

Bedroom 17- 2 bed 4 person 63m2	70m2 No
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6.37 It is noted that only 3 of the flats meet the NDSS (2015). This is because the original 14-unit scheme was determined before the council had an adopted policy in the Gloucester City Plan requiring buildings to accord with the NDSS (2015) (Policy F6). The extant permission for 14 flats establishes a 'fallback position' and is a material consideration which the decision maker is required to take into account when determining the current application.

6.38 The three new flats on the second floor at the rear, meet the NDSS. All the flats have windows to the habitable rooms and there is an enclosed area at the rear for cycle storage and bin storage. There is also an area of communal open space at the rear to be used as a drying area. In respect of the 3 additional flats (over and above the extant permission), the proposal complies with policy SD.14 of the JCS (2017). Whilst 14 of the proposed flats do not meet the policy requirements the site benefits from an extant permission which can be built out if desired. The current application provides an addition 3 flats all of which are space standard compliant and will provide affordable housing. It is therefore considered that the current application is acceptable taking into account the fallback position which is established by the extant consent.

### **Archaeology**

6.39 All built heritage considerations with regard to recording has been dealt with in this site under the previous application. Because of this, and the council's updated standard conditions, the suggested conditions differ from those submitted in 2017. The limited archaeological evaluation undertaken thus far on the site has recovered Roman and medieval pottery as well as evidence for post medieval buildings. Archaeological investigations just 40 metres to the east at 19 Brunswick Square found evidence of prehistoric flint tools and Roman settlement activity. Other excavations 50 metres to the north around Albion House have found evidence for a Roman cemetery. In light of this, the Council's Archaeologist is content that significant archaeological remains may survive beneath the site. Given that potential, it is recommended that 4 archaeological conditions should be attached if consent is granted.

### **Open Space, Recreation, Education and Community Facilities**

6.40 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.

6.41 There is no large areas of open space within the development given its size, however, the applicant has included an area of green with a drying area and some border planters to soften the site. There are also opportunities for recreation reasonably close to the site. The

County Council have not requested any other contributions for the site, as the site falls below the thresholds for libraries and education.

### **Drainage and Flood Risk**

6.42 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.

6.43 This site is located within flood zone 1 (low probability of flooding). The applicant did submit a drainage strategy for the site which was assessed by the Council's drainage engineer. They have assessed the drainage strategy and the Council's drainage officer and LLFA have no objection to the proposal subject to a condition securing the submitted details. Severn Trent Water have no objection to the proposal, but would like the standard drainage condition (that the applicant submit drainage plans for the disposal of foul and surface water flows) applied to the permission and an informative that there may be a drain at the site. It is therefore considered that, subject to appropriate planning conditions, the proposal complies with policy INF.2 in terms of drainage.

### **Noise**

6.44 The applicant submitted a noise report and the Council's Environmental Health Officer considers that the recommendations of the submitted noise assessment (Impact Acoustics IMP5079-2 V1.0 Dated April 2018) can be applied to the revised development proposal. When the applicant has decided which glazing and ventilation products they wish to install the applicant's acoustic consultant should confirm that they will achieve the same or greater noise reduction as those recommended in the noise assessment. Additionally, the applicant should confirm that the roof construction will also meet the recommendations of the noise assessment. It is recommended that these are conditions on the permission.

### **Economic considerations**

6.45 There would be building works as part of this application so there would be economic opportunities with the construction phase and this 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.

### **Conclusion**

6.46 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, drainage, ecology, impact upon the amenity of any neighbours and the local area, impact on the character of the Conservation Area and adjoining Listed Building and impact on the highway network. The proposal is acceptable and accordingly permission should be granted subject to conditions.

## **7.0 RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

**GRANT** planning permission for outline consent subject to a S106 with the following Heads of terms and the following conditions –

-Cotswold Beechwoods SAC contribution

-Contribution of £2,000 for Alney Island SAC and householder information pack  
-3 Affordable housing units (onsite – if they cannot be sold to a RSL after a specific period of time then an offsite contribution will be required)  
-Contribution of £10,000.00 to amend Traffic Regulation Order (TRO) to exclude residents of the proposed development from obtaining permits in the residents parking scheme of zone GC.

#### **Condition 1**

Details of the landscaping (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out in accordance with the approved details.

#### **Reason**

The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

#### **Condition 2**

Application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

#### **Reason**

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

#### **Condition 3**

The development hereby permitted shall be begun either before:

- (i) the expiration of three years from the date of this permission, or
- (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

#### **Reason**

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

#### **Condition 4**

The development hereby permitted shall be carried out in accordance with the drawings on the following plans except where otherwise required by conditions of this permission:

#### **Received by the Local Planning Authority 16/08/2023:**

A(GA)A0-100 - Proposed Ground Floor Plan\_rev.c.  
A(GA)S0-003 Proposed Site Plan\_rev.b.  
A(GA)S0-002 Existing Site Plan\_rev.b.  
A(GA)EX-300 Existing Elevation\_rev.b.  
A(GA)EX-200 Existing Sections\_rev.b.  
A(GA)EX-002 Existing Ground Floor Plan\_rev.b.  
A(GA)A0-303 Window Screen Details\_reva.  
A(GA)A0-302 Proposed Context Elevations\_rev.b.  
A(GA)A0-301 Proposed Elevations sheet 2\_rev.b.  
A(GA)A0-300 Proposed Elevations sheet 1\_rev.b.  
A(GA)A0-200 Proposed Sections\_rev.b.  
A(GA)A0-103 Proposed third floor plan\_rev.b.

A(GA)A0-102 Proposed second floor plan\_revb  
A(GA)A0-101 Proposed first floor plan\_revb  
A(GA)S0-001 Location plan\_revb  
Site waste management plan - 16010-303-0003 Waste Minimisation Statement\_Rev 3.0  
Biodiversity survey and report - BERS 87 91 Southgate Street GL1 1UR - v2 - 17-07-23 (1)  
Biodiversity survey and report - 2023 HRA Screening 87-91 Southgate Street GL1 1UR  
v1.3 (1)  
Heritage statement - Updated Heritage Report - April 2019  
Transport assessment - TS - Southgate Street Gloucester - 2023 Update Rev A  
Southgate St energy statement rev 3  
Noise impact assessment - IMP5079 -2 Noise Impact Assessment  
Heritage statement - Heritage Impact Assessment - January 2023  
Air quality assessment - AQA\_87-89 Southgate Street\_J2902B  
Flood risk assessment - 53396 INOFA RAOB Social Club Screening Flood  
Design and access statement - 16010\_Design Access Statement\_17 UNIT scheme  
Drainage documentation - 11955-CSK-01 P1  
Drainage documentation - 11955 Issue Register 18-12-03  
Daylight or sunlight assessment - 87\_91\_Southgate\_Daylight\_Assessmen\_R2.1  
230110 Schedule of Accommodation\_17 units

**Amended application form received by the Local Planning Authority on 15/08/2023:**  
Application Form

**Amended CIL form received by the Local Planning Authority on 30/08/2023:**  
202308301018-WSH07511 (1)

**Revised drainage drawings received by the Local Planning Authority on 31/08/2023:**  
11955 - attenuation design within crates  
11955-510 Rev P2 Drainage GA  
11955-512 Rev P2 Drainage Details  
11955-511 Rev P2 Drainage Details

**M4(2) drawing received by the Local Planning Authority on 07/11/2023:**  
A(GA)A0-104 Proposed Adaptable M4(2) Unit Plan

#### **Reason**

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

#### **Condition 5**

No development other than demolition down to ground floor slab level shall take place within the application site until a report outlining the results of a programme of archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority.

#### **Reason**

To make provision for a programme of archaeological evaluation, so as to describe the significance of heritage assets of archaeological interest within the site. This is to allow the scheme to be designed in a manner that minimises the impact on archaeological remains. SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

#### **Condition 6**

No development other than demolition down to ground floor slab level shall commence within the application site until a detailed scheme showing the complete scope and arrangement of



the foundation design and ground works of the proposed development (including pile type and methodology, ground contamination remediation, drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

### **Reason**

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

### **Condition 7**

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

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

### **Reason**

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

### **Condition 8**

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

### **Reason**

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

### **Condition 9**

The submitted Waste minimisation plan and recycling strategy shall be adhered to

### **Condition 10**

The recommendations of submitted noise assessment (Impact Acoustics IMP5079-2 V1.0 Dated April 2018) must be applied to the proposed development,

### **Condition 11**

Before construction is commenced, details of the proposed glazing and ventilation products should be submitted and approved in writing by the Local Planning Authority. The applicants' acoustic consultant should confirm that they will achieve the same or greater noise reduction as those recommended in the noise assessment. The applicant should

confirm that the roof construction(s) will also meet the recommendations of the noise assessment. Once approved the products shall be installed before occupation.

### **Condition 12**

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

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

- g) Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
- h) 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.
- i) The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- j) Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

### **Reason**

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

Paragraph 183 of the NPPF requires development to be suitable for its proposed use taking account of ground conditions, any risks arising from contamination, and any proposals for mitigation, including land remediation. Paragraph 183 goes on to state that after remediation, as a minimum, land should not be capable of being determined as Contaminated Land under Part 2A of the Environmental Protection Act 1990.

### **Condition 13**

The development hereby permitted shall not be occupied until the cycle storage and bin storage facilities have been made available for use in accordance with the submitted plan

Ground Floor Plan as Proposed drawing no. 18036-A(GA)A0-100 rev C and those facilities shall be maintained for the duration of the development.

**Reason**

To ensure the provision and availability of adequate cycle parking

**Condition 14**

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**

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**

The reserved matters submission(s) shall be accompanied by details of the proposed landscaping for approval by the Local Planning Authority

**Reason**

To ensure a good design for the development in accordance with policy SD.4 of the JCS (2017)

**Condition 17**

The estimated consumption of wholesome water per dwelling per day in the development hereby permitted must not exceed 110 litres of water per person per day.

**Reason**

In order to satisfy Policy G6 of the Gloucester City Plan.

**Condition 18**

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**Reason**

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

**Condition 19**

No above ground works shall take place until the following details have been submitted to the Local Planning Authority and approved in writing.

- Samples of external materials including bricks, render sample, windows, doors, boundary treatments, roofing, louvres and balconies and RAL colours
- Detailed scaled drawings for dormer details, roof, eaves and parapets
- Scaled drawings for windows and doors detailing glazing bars, frame and glass, recess.
- Details regarding installation of cable provision.
- Details of landscaping materials, bin and cycle storage
- Detailed information for mechanical and electrical services being introduced, together information on vents, extracts and meter boxes.
- Cast iron or aluminium rainwater goods

The development shall only be carried out in accordance with the details so approved.

**Reason**

To ensure the satisfactory appearance of the development in accordance with policy SD.4 of the JCS (2017)

**Condition 20**

The bat roosting provision shall be maintained as stated in the BERS report updated 17/07/2023 4 of 7

**Reason**

To ensure that adequate mitigation is provided in accordance with policy SD.9 of the JCS (2017)

**Condition 21**

Prior to commencement on site details shall be submitted to the Local Planning Authority and approved in writing of the lighting plan. This should clearly show that bat roosting features are not illuminated nor are any bat foraging corridors.

**Reason**

To ensure that the proposal minimises impact on bats in accordance with policy SD.9 of the JCS (2017)

**Condition 22**

No aerials shall be located on the front elevation of the building facing Southgate Street.

**Reason**

To preserve the character of the Conservation Area in accordance with policy SD.8 of the JCS (2017)

**Informatives:**

**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**

In order to minimise any nuisance from noise, vibration and dust emissions during the demolition and construction phases the applicant should refer to the WRS Demolition and Construction Guidance and ensure its recommendations are complied with.

**Note 3**

You are advised that the Local Highway Authority has recommended to the Local Planning Authority (LPA) of which the development forms part and shall be treated as car free/low-car and the occupiers are ineligible for resident parking permits as well as visitors permits if in a residents parking scheme.

**Note 4**

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

**Note 5**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public

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

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

**Note 6**

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: we would not permit a surface water discharge into the public combined sewer, unless it is demonstrated there are no other options available and recommend the applicant seeks alternative arrangements.

**Note 7**

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

**Person to Contact:** Fiona Ristic

