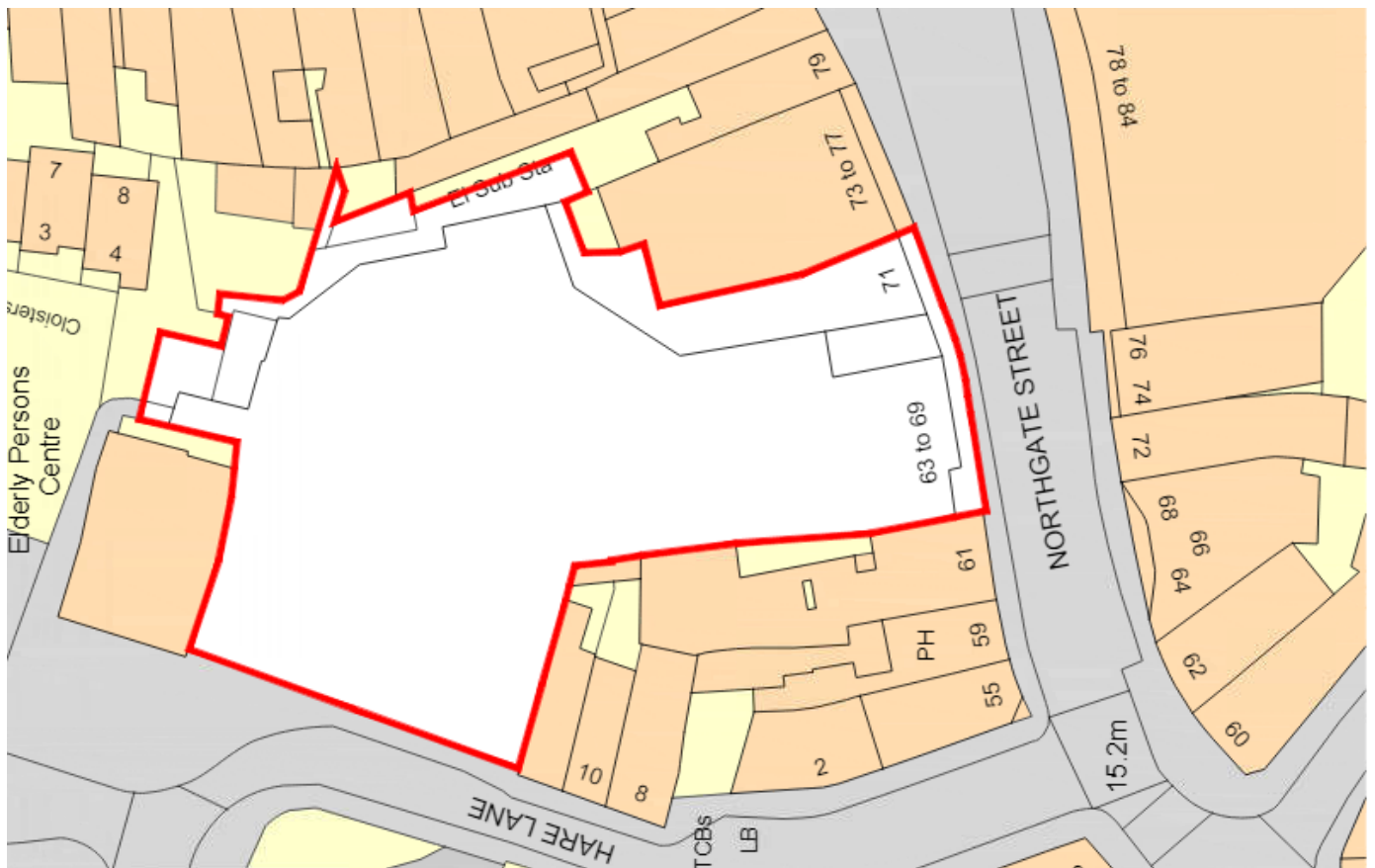


# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

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|-------------------|---|
| Committee:        | Planning  |
| Date:             | 2 <sup>nd</sup> April 2024  |
| Address/Location: | 63-69 Northgate Street (former Sainsbury store)   |
| Application No:   | 22/01181/FUL  |
| Ward:             | Westgate  |
| Expiry Date:      | 18 <sup>th</sup> July 2023  |
| Applicant:        | Clarehouse Developments Ltd   |
| Proposal:         | Demolition of existing buildings and redevelopment of site to provide residential led mixed use scheme  |
| Report by:        | Adam Smith  |
| Appendices:       | Site location plan (below)<br>  Extract of new plan at the Hare Lane block/Raven Centre boundary (at end of report)<br>  Proposed layout plan (at end of report)<br>  Previous (March 2024) Committee Report (at end of report) |



## 1.0 INTRODUCTION

1.1 This application was previously considered by the Planning Committee in March 2024 where the Committee resolved to defer the application. The principal issue in the resolution to defer

was to seek design improvements to the Hare Lane elevation. The previous officer report is appended to this report and sets out the site description, proposal, policy and consultation background and the Officer analysis and recommendation which was to grant planning permission subject to conditions and completion of a legal agreement. Please refer to that report for all these matters. This new report is to provide an update on the application in relation to the applicant's response regarding design improvements, and also comment on other matters raised during Members' debate at the previous Committee meeting. The below update is based on the four matters I summarised for Members' agreement during the latter part of the March Committee meeting, those being the matters I had noted as being considered by Members as potential reasons for deferral or potential additional conditions.

## 2.0 **UPDATE**

### 2.1 **Hare Lane elevation design**

The applicant has decided not to amend the design. The applicant has commissioned some rendered visuals of this part of the scheme however, seeking to provide further information as to the acceptability of the current design. I understand that these will be ready for the Committee meeting and will be shared then.

2.2 It is therefore recommended that the Committee determines the application on the basis of the submitted scheme.

### 2.3 **The Kings School request re. Pitt Street**

Officers advised in the report and the Committee meeting of their opinion on the proposed restriction on development relating to Pitt Street being redesigned into a pedestrian priority street. It is not considered that a condition to prevent development commencing until Pitt Street has been amended in the manner sought is necessary to make the development acceptable in planning terms or reasonable. Given the status of such a proposal for Pitt Street, inasmuch as I am unaware that any such proposed scheme exists, nor any understanding of its funding, timescale or who would be responsible for implementing it, it would probably not be an enforceable condition either. As such it would not be a valid condition in Officers' view.

2.4 The impact of the development under consideration is not considered to be such as to merit pre-requisite alterations to Pitt Street. It is pertinent to consider the extant use of the application site as a foodstore and the pedestrian and vehicular movements associated with that lawful use, and whether the proposed development of 55 flats with 2 disabled parking spaces could be demonstrated to cause harm over and above the extant use such as to merit the requirement of the mooted mitigation measure at Pitt Street in order for the development to be acceptable in planning terms.

2.5 The Highway Authority has provided further advice on this matter: The existing floor area of the building is c.4000 sq m. National traffic surveys taken from town centre supermarkets indicate the site would easily have the potential to generate some 3500 vehicle two way movements from 6 am to midnight. In the periods where conflict could occur with the school at mornings, midday and the afternoon, the two way trip generation would be 150 in the mornings and some 300 two way vehicle movements in the midday and afternoon periods. Based on TRICS surveys, town centre apartments with an allocated parking court, 55 apartments would generate some 70 two way traffic movements from 7am to 7pm, during the times of school operation this would be 8 movements within the hour. This does not factor in that the current proposal under consideration has no allocated parking and is car free except for two disabled bays.

2.6 Any physical works at Pitt Street are also outside the application site and outside the

applicant's control. Officers are not aware of any scheme to undertake any measures at the present time, so it is not considered there is a reasonable prospect of the suggested mitigation measure coming to fruition in a reasonable period of time. In effect, such a condition would therefore serve to prevent development indefinitely.

- 2.7 Notwithstanding the above, since the March Committee meeting the Highway Officer has met representatives of the School on site to discuss their concerns and has endeavoured to establish contact between the School and appropriate other departments in the County Council about the matter.
- 2.8 The Highway Authority has provided further comments on this: the Highways Officer held a meeting with the school representative on site on 12<sup>th</sup> March 2024 to observe the safety issues highlighted at the Committee in Pitt Street. Children were observed in the afternoon period, walking along the footway and some within the road. This was observed as the School representative and the Highways Officer were standing within the carriageway section of Pitt Street. The carriageway is very narrow, one way and was very lightly trafficked, with only several cars observed passing within a 30 minute period. There have been no recorded injury accidents in the last 5 years and the area can be considered to be safe. The school forwarded previous correspondence from the School to Gloucestershire County Council to the Highways Officer with relation to the issues with the suggestion the road could be redesigned as a shared street to give more priority to pedestrians. The concerns from the school were clearly in relation to existing issues, which could be addressed by instructing pupils to walk on the footway or a school marshalling system. However, it appears the children have become accustomed to walking within the carriageway because it is very lightly trafficked. The school stated the issue was a concern in the mornings with more traffic associated with the school drop off. The existing issue will be taken up further with the relevant departments at Gloucestershire County Council.
- 2.9 The Highway Authority advises that in conclusion, the development would result in an insignificant amount of traffic compared to that of the previous use and would provide a net safety benefit for the school. There are no existing highway safety issues, and there is no reason why the proposed development would have any detrimental impact on highway safety or that of the school. In reality, the proposal has significant benefits over the current use as a retail store. There are therefore no highways reasons that could be regarded as severe that would meet the tests of refusal on highways grounds within the NPPF, Paragraph 115 that could be sustained at a planning appeal; "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".
- 2.10 It is recommended that the Committee determines the application on the basis of the submitted scheme – that is, without any associated proposal to alter the form or designation of Pitt Street.
- 2.11 **Reducing the quantum of units in the scheme to provide some parking at the site**  
The applicant has not made a change to the scheme in this regard. In my view such a change would be highly likely to amount to a fundamental alteration of the scheme and lead to the need for a new application. Not least I consider it would necessitate a change to the description of development and likely alter the red line of the application site, in so far as the change would lead to the creation of a new vehicular access to the site to serve that parking provision.
- 2.12 Such a change would also be highly likely to have numerous associated knock-on effects such as;
- Needing to assess the acceptability in highway safety terms of the new access/egress

- point/s to the additional parking;
- Needing to assess what on-street facility may be lost by positioning a new vehicular access into the development and using on-street space to accommodate the access (e.g. loss of on street parking bays, delivery bays, etc);
- Needing to assess traffic impact in the vicinity of the site as a result of trips to the site;
- A reduction in housing numbers delivered on the site;
- A reduction in affordable housing provision and other s106 contributions from the development associated with reduced housing numbers;
- Reduced building street frontage by including a vehicular access;
- Possible impact on the courtyard green space for the development.

It is also suggested that given the layout of this scheme in flat blocks, the loss of a small number of units would not be likely to lead to any more than a few additional parking spaces at most.

- 2.13 The previous officer report comments on the matter of the low parking provision and the policy context for considering such proposals, as well as the measures to prevent future resident access to a parking permit as a fallback measure should residents in fact own or intend to own a car. The site is highly sustainable and it is considered that if Gloucester is to offer the lifestyle choice of living in a centre without a car and with good opportunities to access transport hubs and local facilities via non car-borne means, this is likely to be one of the best locations to do so. The low car parking provision design also aids maximising density and housing provision by not using site area for parking.
- 2.14 The Highway Authority has also provided additional advice on the matter: The average car ownership rate from census data in the area for apartments is only 35%. Concerns were raised by the Committee that the application would result in on street parking. The advice of Highways Officers is that the proposal would not result in this. Security of a vehicle, as a significant investment by an individual, is paramount for most people. Experience from other residential schemes shows that occupiers prefer to park their vehicles in a position that can be viewed from a habitable room window. Within this development there are no long term parking options that could provide this. The prevention of gaining a parking permit would push the nearest potential on street parking space considerably farther away from the site. The area is one which is regularly enforced and any vehicle parked in contravention of the Traffic Regulation Order would receive a penalty ticket. The Traffic Regulation Orders include all of the highway, including the footway. Based on the parking permit zone maps on the County Council website, the nearest point to the application site where vehicles could park unrestricted is potentially around Estcourt Road, around St Oswalds Road, beyond Bruton Way into Barton, beyond Horton Road, or south of the Park. The Highway Authority's view is that the location is such that people who require a vehicle would not choose to live in this location and therefore there would be no detrimental impacts upon highway safety as a result of lack of parking provision.
- 2.15 It is recommended that the Committee determines the application on the basis of the submitted scheme.
- 2.16 **Gap between the Hare Lane block and the Raven Centre**  
 The applicants have submitted plans seeking to respond to this aspect of the debate. These do not alter the floorplans but include an annotation stating; "if buildings are to touch, Listed Building Consent will be sought. All proposed works will be dealt with under the Party Wall Act". The applicant's heritage adviser has previously asserted that the buildings are not tied in and that no listed building consent is required for detachment of the existing or construction of the new building.

- 2.17 As noted in the Committee meeting, if it was proposed to tie the buildings together, the listed building consent regime would come into play anyway and a listed building consent application would be necessary and would then enable the Council to consider the heritage planning considerations of this construction; as the new plan annotation commits to. As also mentioned in the Committee meeting, the Party Wall Act (outside the Council's jurisdiction) also exists to manage construction issues at the party wall, and the annotation also commits to that (which is probably legally enforceable under this separate legislation regardless of the annotation).
- 2.18 I also draw Members' attention to Condition 4 proposed in the previous report, the intention of which was to seek to manage planning issues at the shared boundary. This includes seeking for approval; method of demolition, structural assessment of the abutment between the existing building and the Raven Centre, measures to secure the safety and stability of adjacent buildings during demolition and construction, arrangements for vibration monitoring, and a specification of the new building construction at its closest edge to the Raven Centre. These matter can therefore be addressed with Conservation Officer input pursuant to the condition. There are not therefore considered to be any significant planning issues that are not addressed in this regard.
- 2.19 It is recommended that the Committee determines the application on the basis of the submitted scheme as now including the annotation.

### **3.0 CONCLUSIONS**

- 3.1 Officers have already assessed the scheme and recommended approval subject to conditions and a legal agreement, and with no fundamental changes to the scheme, the Officer recommendation remains as approval.

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

That planning permission is **GRANTED** subject to;

completion of a legal agreement/s to secure the terms set out at Paragraph 6.124 of the March Committee Report and delegated Authority being given to the Planning Development Manager (or equivalent replacement post holder) to negotiate the s106 terms to suit;

and;

the conditions outlined in the March 2024 Committee Report as amended as follows:

#### **Condition 2**

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:

Proposed location and block plan ref. 19.075/001 Rev. A

**Proposed ground floor plan ref. 19.077/011 Rev. E**

Proposed first floor plan ref. 19.077/012 Rev. B

Proposed second floor plan ref. 19.077/013 Rev. B

Proposed third floor plan ref. 19.077/014 Rev. B

Proposed fourth floor ref. 19.077/014 Rev. \*

Proposed roof plan ref. 19.077/015 Rev. \*

Block A west elevation ref. 19.077/56 Rev. \*  
Block A north and south elevation ref. 19.077/57 Rev. \*  
Block A east elevation ref. 19.077/58 Rev. B

Block B elevations ref. 19.077/053 Rev. C

Block C elevations ref. 19.077/060 Rev. B

**Reason**

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

Appendix - Extract of new plan at the Hare Lane block/Raven Centre boundary

