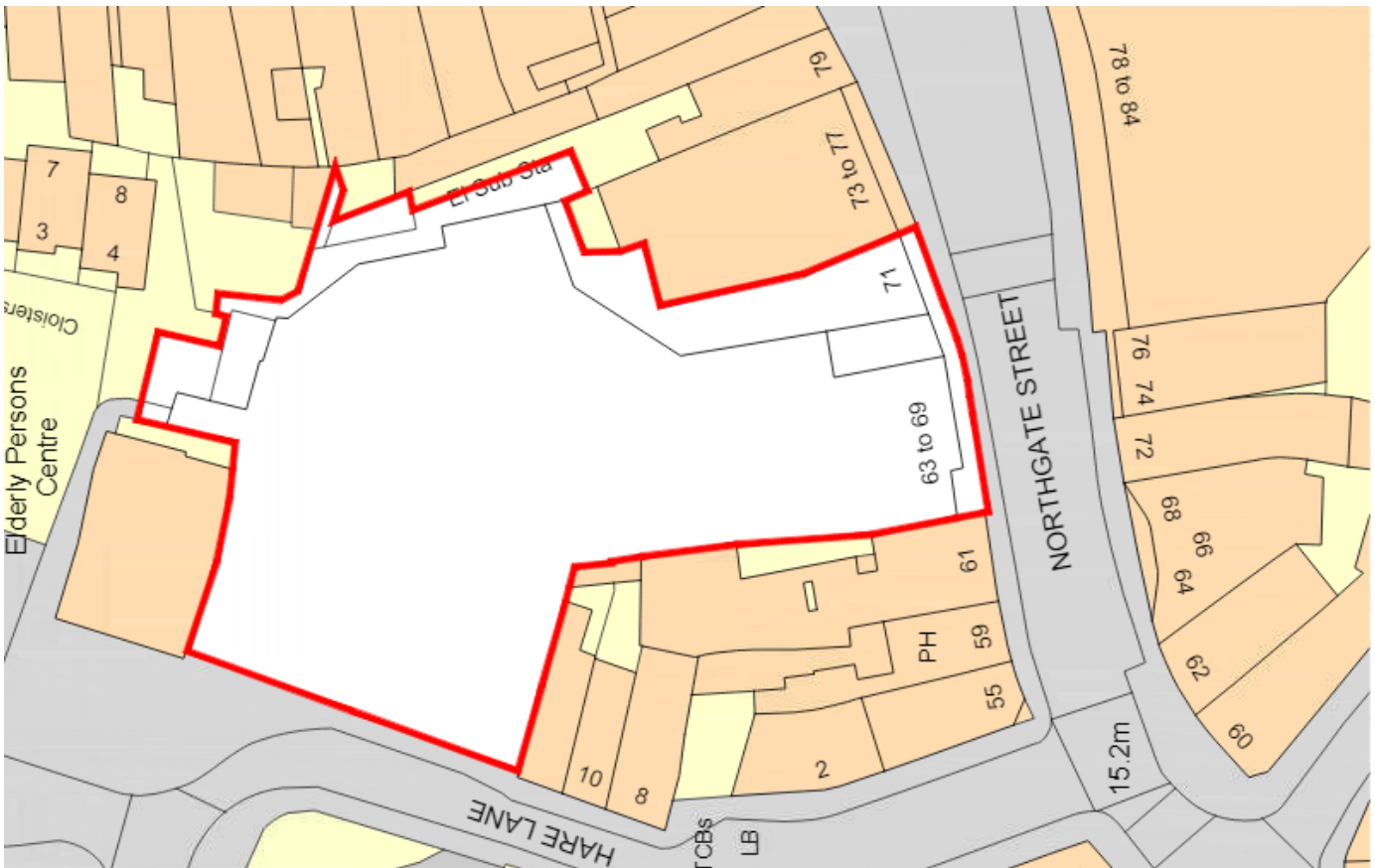


GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: | Planning
Date: | 5th March 2024
Address/Location: | 63-69 Northgate Street (former Sainsbury store)
Application No: | 22/01181/FUL
Ward: | Westgate
Expiry Date: | 18th 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)
Proposed layout plan (at end of report)



1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is the retail unit formerly occupied by Sainsbury, and the adjacent units to the north east on Northgate Street (the former bridal wear and menswear shops). It extends between Northgate Street at the south and the Hare Lane car park at the north, Hare Lane to the west and the rear of Worcester Street properties to the east. The site does not comprise of the whole of the block of buildings here, such that it wraps around properties at the corner of Northgate Street/Hare Lane to the south west, around the Raven Centre to

the north west and around 73-77 Northgate Street the adjacent unit to the south east.

- 1.2 In the wider setting on the opposite side of Northgate Street to the south are commercial properties of 2, 3 and 4 storeys. To the east the Worcester Street properties are a mix of commercial uses with some residential in upper floors, predominantly 3 storeys. To the north the car park is flanked on the east side by modern residential blocks of 2 storeys and further north larger buildings of 3 and 4 storeys. To the immediate north east is an empty site that benefits from an unimplemented permission for flats in a 2 1/2 storey block. Farther to the north west and west is the Cathedral complex and Kings School buildings and the open spaces around them. Closest, on the opposite side of Hare Lane is the public open space.
- 1.3 The site is within the Cathedral Precincts Conservation Area and immediately adjacent to the London Road Conservation Area. The Worcester Street Conservation Area is also very close by to the north east. There are also several listed buildings adjacent to the site and in the near vicinity, commented on in the analysis below.
- 1.4 The proposal is for 55 residential units as flats, within three blocks, and a 121sqm Class E unit at ground floor of the Northgate Street frontage. The three blocks comprise of Block A at 5 storeys and 15.6m tall, situated at the rear of the site adjacent to the rears of Worcester Street properties; Block B at 4 storeys and 13m tall, fronting Northgate Street; and Block C, 3 storeys and up to 10m tall, fronting Hare Lane. Centrally there would be a private landscaped open amenity space. On the north side behind Block A the boundary wall to the shared access behind would be rebuilt. Pedestrian access would be provided from Northgate Street, Hare Lane and Hare Lane south car park. The proposal is designed to be a car free development in the main although there are 2 parking spaces proposed for disabled users off the Hare Lane car park.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/102630/HIST	2208/68/46:- CONVENIENCES AT PREMISES.	Approved	21.05.1946
44/102631/HIST	2598/87/47:- EXTENSION OF PREMISES.	Approved	13.06.1947
44/102632/HIST	2598/87/47:- (AMENDED) EXTENSION OF PREMISES.	Approved	21.09.1947
44/102635/HIST	P/430/62:- (OUTLINE) DEMOLITION OF NO.63-69 AND ERECTION OF SUPERMARKET AND TEN PIN BOWLING ALLEY.	Refused	
44/102636/HIST	P/609/63:- DEMOLITION OF 63-69 AND (OUTLINE) USE OF LAND FOR SUPERMARKET AND ROOF CAR PARK.	Refused	
44/102637/HIST	P/286/64:- (OUTLINE) (63-71 NORTHGATE STREET) GROUND FLOOR SUPERMARKET WITH TWO FLOORS OF OFFICES OVER.	Approved subject to conditions	23.06.1964
44/102638/HIST	P/286A/64/65:- (OUTLINE) (63-71 NORTHGATE STREET) ERECTION OF FOUR SHOPS WITH TWO FLOORS OFFICES OVER AND CAR PARKING AT THE REAR WITH ACCESS FROM HARE	Approved subject to conditions	29.04.1965

	LANE.		
44/102639/HIST	P/141/68:- (OUTLINE) (63-71 NORTHGATE STREET) ERECTION OF A THREE STOREY BUILDING FOR THE PURPOSES OF A RETAIL STORE AND STAFF FACILITIES.	Approved subject to conditions	24.10.1968
44/102640/HIST	P/141/68/69:- ERECTION OF SUPERMARKET WITH PREPARATION AND STORAGE FACILITIES INCLUDING STAFF AMENITIES, PLUS SUBLET AREAS; UNLOADING ACCESS FROM HARE LANE.	Approved subject to conditions	04.02.1970
44/102644/HIST	P/469/70:- (63-71 NORTHGATE STREET) USE OF PART OF FIRST FLOOR AS PUBLIC RESTAURANT AND PROVISION OF ENTRANCE DOORS TO NORTHGATE STREET.	Approved subject to conditions	15.07.1970
44/102649/HIST	P/455/73:- CHANGE OF USE OF PART OF FIRST FLOOR FROM RESTAURANT TO OFFICES.	Approved subject to conditions	09.05.1973
44/102650/HIST	03/EDP/371/76:- (69 NORTHGATE STREET) USE OF FIRST FLOOR AS HAIRDRESSING SALON.	Approved subject to conditions	16.06.1976
05/01288/FUL	Alterations to shopfronts to Northgate Street and Hare Lane	Granted	10.01.2006
11/00230/FUL	Formation of a new store entrance on Northgate Street (existing entrance infilled by brick and glazing) plus the installation of bi-parting doors on the Hare Lane entrance.	Granted	14.04.2011

3.0 RELEVANT PLANNING POLICY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan:

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

Relevant policies from the JCS include:

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD2 – Retail and city/town centres
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD8 – Historic Environment
- SD9 – Biodiversity and geodiversity
- SD10 – Residential development

SD11 – Housing mix and standards
SD12 – Affordable housing
SD14 – Health and environmental quality
INF1 – Transport network
INF2 – Flood risk management
INF3 – Green Infrastructure
INF4 – Social and community Infrastructure
INF6 – Infrastructure delivery
INF7 – Developer contributions

City Centre, Primary Shopping Area and Shopping Frontage designations.

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that ‘...*due weight should be given to (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.

3.5 **Gloucester City Plan (Adopted January 2023)**

Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provides policies addressing local issues and opportunities in the City.

Relevant policies include:

A1 – Effective and efficient use of land and buildings
A6 – Accessible and adaptable homes
B1 – Employment and skills plans
C1 – Active design and accessibility
C3 – Public open space, playing fields and sports facilities
C5 – Air quality
C7 – Fall prevention from tall buildings
D1 – Historic environment
D2 – Non designated heritage assets
D3 – Recording and advancing understanding of heritage assets
D4 – Views of the Cathedral and historic places of worship
E1 – Biodiversity and geodiversity
E3 – Green/blue infrastructure
E4 – Flooding, sustainable drainage, and wastewater
E6 – Development affecting Cotswold Beechwoods Special Area of Conservation
E7 – Trees, woodlands and hedgerows
F1 – Materials and finishes
F2 – Landscape and planting
F3 – Community safety
F4 – Gulls
F6 – Nationally described space standards
F7 – Shopfronts, shutters and signs
G1 – Sustainable transport and parking
G2 – Cycling
G3 – Walking
G4 – Broadband connectivity
G6 – Water efficiency
G7 – Review mechanism

3.6 **Minerals Local Plan for Gloucestershire 2018-2032 (2020)**

The site is within a mineral consultation area. The adopted minerals plan for the County contains the following policies of relevance:

SR01 – Maximising the use of secondary and recycled aggregates

MS01 – Non-mineral developments within MSAs

3.7 **Gloucestershire Waste Core Strategy 2012-2027 (2012)**

The adopted waste plan for the County contains the following policies of relevance:

Policy 36 – Waste Minimisation

3.8 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

BE.2 – Views and skyline

OS.2 – Public open space standard for new residential development

OS.3 – New housing and public open space

3.9 **Supplementary Planning Guidance/Documents**

New housing and open space 2001

Heights of buildings SPD 2008

SuDS Design Guide 2013

Waste minimisation in development projects SPD 2006

Designing safer places SPD 2008

Shopfronts, shutters and signs

Gloucester City Council Open Space Strategy 2021-2026

Conservation Area Appraisals - Cathedral Precincts, London Road and Worcester Street.

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

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

Gloucester City policies:

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

4.0 **CONSULTATIONS**

4.1 The Highway Authority raises no objection subject to conditions to secure the Travel Plan; details of the rear service area and disabled bays; cycle and motorcycle storage; construction management plan; electric vehicle charging points, and footway works, plus financial contributions of £5,000 fee for Travel Plan monitoring and £10,000 to amend the Traffic Regulation Order to exclude residents from the parking permit scheme.

- 4.2 The **Conservation Officer** recommends approval subject to conditions to secure approval of bricks, balconies, windows and doors, railings and balconies; details for the mural relocation; details of demolition and construction works in relation to the listed Raven Centre; and prevent demolition until a contract for redevelopment is let.

The Conservation Officer also notes:

The demolition of the existing building will not be harmful to the character of the Conservation Area as the building makes very little architectural contribution.

The redevelopment will cause change to the Conservation Areas but not harmful change.

Agrees with Historic England that it is a generic scheme not specific to local context but is better than the existing development. Another proposal not coming forward would result in further and arguably longer lasting harm to the Conservation Areas.

In terms of heights of buildings it will be negligible in terms of the views in and out of the Cathedral and beyond.

The Hare Lane building has regard for the height of listed buildings to the sides and is acceptable.

While independent of each other, the demolition may reveal the listed building gable wall and the associated risks need mitigating.

Remaining concerns for the retail units although the revised proposal is an improvement.

Introducing new green amenity space would be a considerable gain in this part of the Conservation Area.

Overall the proposal would result in a very low level of 'less than substantial harm'. Any loss or harm to the setting of the Raven Centre, 8 Hare Lane, the Cathedral or Church of St John would be marginal and less than substantial.

- 4.3 The **Civic Trust** initially raised no objection to the development in principle and welcomed the creation of a small green space. The Trust considered the design of the front elevations to be bland and could be significantly improved. The appearance could be made more in keeping with the adjacent buildings without adversely affecting the overall plan. The Trust also considered the ground floor balconies are likely to collect litter and become a nuisance. In relation to the revised plans the Trust noted it is not opposed to the development but would like to see conditions applied requiring improvements to the design. The Trust supports some elements including the mural relocation. The revisions to the plans make it a bit more attractive than the previous version but overall lacks imagination and is missing an opportunity. Also the quality of design from a thermal perspective could be improved.

- 4.4 The **City Archaeologist** raises no objection subject to conditions to secure a post-demolition archaeological evaluation, the approval of foundations and other below ground infrastructure, and the submission and implementation of an archaeological written scheme of investigation. The Archaeologist does however note the possibly national significance, certainly regional significance of the archaeological remains expected to be found at the site.

- 4.5 **Historic England** does not oppose the principle of redevelopment but raises concerns about impacts on heritage assets, notably the Hare Lane elevation failing to make a positive response to the Cathedral's setting, and the scheme not preserving or enhancing the character and appearance of the Conservation Area, suggesting further design amendments are sought.

- 4.6 The **Housing Strategy Team** recommend approval subject to the application meeting 25% M42 units (the Building Regulations standard required by Policy A6 of the City Plan). (*Planning Officer note: this was subsequently resolved; see analysis below).

- 4.7 **The Planning Policy Team** generally supports the principle of the application. They raise concerns about the viability of the retail unit given the shallow floor plan and no storage, bathroom or staff areas shown. They suggest a potential conflict with scale of the central element when viewed from the car park, and improvements to blank elevation. They highlight the need to mitigate impacts on the Cotswold Beechwoods Special Area of Conservation and potentially a financial contribution. They recommend attention to external building components e.g. meter boxes, flues, railings, gull prevention measures, fall prevention measures, etc and cycle parking, connections to green infrastructure, broadband connectivity and water efficiency. They raise concerns about recessed entrances for safety. Specific development plan policies are highlighted, as below, and they recommend specific consultee comments to address certain policies as below.
- 4.8 The **Contaminated Land consultant** raises no objection and recommends the standard contaminated land condition.
- 4.9 The **Drainage Officer** raises no objection subject to condition to secure details of the drainage system.
- 4.10 The **Lead Local Flood Authority** raises no objection.
- 4.11 **Severn Trent Water** raises no objection subject to conditions to secure details and implementation of surface and foul water drainage details.
- 4.12 The **Environmental Health consultant** raises no objection subject to conditions to secure post demolition surveys for odour and noise mitigation to characterise any mitigation needed. The consultant has confirmed these are not in-principle issues and can be dealt with under condition.
- 4.13 The **Ecological consultant** raises no objection but seeks details of the BNG metric (now provided), and recommends conditions to secure ecological mitigation per the applicant report, a lighting strategy, and a Landscape and Ecological Management plan. The consultant raises no objection to the shadow Habitats Regulations Assessment study subject to securing the stated mitigation and a residents information pack.
- 4.14 **Natural England** was consulted once the shadow Habitats Regulations Assessment appropriate assessment was submitted and reviewed by the Council's ecology consultant. Natural England raises no objection subject to mitigation being secured for the financial contribution to the Cotswold Beechwoods Strategy, and conditions securing a Construction Environmental Management Plan, a drainage strategy, and provision of the green infrastructure.
- 4.15 The **Landscaping consultant** recommends that further details are provided, of the brick wall to the north of Block A, showing the extent of ground cover planting, tweak the ground cover species for ease of maintenance, and for security, a cross section of the drainage attenuation, provision of root guards to the proposed trees to prevent damage to the drainage infrastructure.
- 4.16 The **Public Open Space adviser** recommends contributions for play facilities and open space (detailed later in the report).
- 4.17 The **Waste team** advised that they would not make the collections from this premises under the submitted arrangements (*Officer note – the developer proposes alternative collection arrangements, which are set out later in the report).

- 4.18 **The County Council development contributions team** recommends contributions to education and libraries (detailed later in the report).
- 4.19 The County Council as **Minerals and Waste Authority** raises no objection subject to a condition to secure measures for waste minimisation during demolition and construction.
- 4.20 The **Police Designing out Crime Officer** raised concerns with the first design about siting the mural in an alleyway and vandalism to it, alleys and recesses to Northgate Street and Hare Lane creating hiding places and attracting ASB, security of cycle stores needing to comply with SBD Homes 2023, not demonstrating compliance with development plan policies and NPPF/NPPG. No response has been received on the revised proposals.
- 4.21 The **City Growth and Delivery Manager** is supportive of the main content of the 55 flats part of the proposal, noting the benefits to bring more life and vibrancy to the area, but has reservations over the retail unit proposed at Northgate Street. The idea of a shop unit to maintain active frontage is welcomed but the wide and shallow arrangement will limit useability, and there is concern about having no rear service access. No comments have been made on the revised scheme. (*Officer note; the revised scheme has the commercial unit slightly deeper, and narrower, potentially divided in two). The consultee also requests an Employment and Skills Plan.

5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbouring properties were notified and press and site notices were published. A second round of notification was undertaken on the amended plans.
- 5.2 Four representations have been received. The issues raised may be summarised as follows:

Support the redevelopment and 'car-free' nature.

Addition of 55 residential properties at end of Pitt Street will exacerbate existing difficulties for pedestrians on Pitt Street; more pedestrians and traffic. Kings School has requested to the County Council that the street is redesigned into a Pedestrian Priority Street. Note over 740 pupils at the school and over 200 staff, current pavements are not sufficient for safe passage; concerned about pedestrian accidents. Consider the school's request for a Pedestrian Priority Street and make it a prerequisite before any building renovations take place.

Design is sensitive to the historical buildings in the local vicinity.

Design doesn't give concern for safeguarding risks by overlooking Kings School Nursery playground.

Impact on the adjacent building 61 Northgate Street (Farmhouse), structural damage, by piling and construction. Impact on trade from associated arrangements.

Lack of parking.

Impact on Raven Centre elderly persons centre from deliveries and car parking, noise and dust impacts, structural damage.

Impact to residents at Cloister View who use the parking in proximity of the planned demolition.

Environmental impacts from demolition and construction – noise, dust, disruption.

Suggest waste collection for the communal area rather than individual recycling facilities to make waste management more efficient.

5.3 The application can be viewed at: [22/01181/FUL | Demolition of existing buildings and redevelopment of site to provide residential led mixed use scheme | Sainsbury's Supermarket 63 - 69 Northgate Street Gloucester GL1 2AG](#)

6.0 OFFICER OPINION

6.1 *Legislative background*

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

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

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

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), The Gloucester City Plan 2023 and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regard to this application are as follows.

- Principle
- Public benefits of the development
- Heritage – built heritage and archaeology
- Design, layout and landscaping
- Traffic and transport
- Housing provision
- Residential amenity / environmental health
- Drainage and flood risk
- Land contamination
- Ecology
- Sustainability
- Waste minimisation
- Economic considerations
- S106 contributions, CIL and viability

6.5 **Principle**

The NPPF requires decisions to give substantial weight to the value of using suitable brownfield land within settlements for identified needs, and promote and support the development of under-utilised buildings. Decisions should support development that makes efficient use of land. The NPPF also sets out that planning decisions should give significant weight to the need to support economic growth and productivity.

6.6 **Principle – residential development**

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)

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.

The NPPF 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..).’ The Council is 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 6 the ‘tilted balance’ is not engaged.

6.7 Policy SP1 of the JCS sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans. Specifically relating to residential development Policy SD10 of the JCS states that housing in the City area will be allowed:

- At sites allocated within the development plan and district plan.
- On unallocated sites on previously developed land in the existing built up areas of Gloucester City.
- It is infilling within the existing built up areas of the City of Gloucester.
- It is for affordable housing on a rural exception site.
- It is brought forward through community right to build orders.
- There are other specific exceptional/circumstances defined in a district plan.

Policy SD2 sets out that within the defined city centre boundary proposals for residential will be supported provided there would be no adverse impact on amenity of adjacent residents or businesses.

6.8 In terms of the broad principles of development then, the site is on previously developed land within the built up area of the City in a sustainable site with access to local facilities and would boost the supply of homes in a sustainable location. The proposal complies with Policy SD10 in relation to the principle of development. In terms of Policy SD2, the amenity impacts are considered later in the report, but there is in principle support. The site is brownfield land and the proposal is for homes, so substantial weight is given to the value of this, in line with the NPPF.

6.9 **Principle – loss of existing uses and proposed commercial**

The proposal would result in a loss of retail floor space, the current unit being 3911sqm. I understand that Sainsburys closed in January 2021, with a sofa retailer currently occupying the building. The City Plan, JCS and 2002 Second Deposit Local Plan include policies addressing this. The site is within the primary shopping area and the Northgate Street part is defined primary shopping frontage in the JCS. The Hare Lane part is not defined shopping frontage. The JCS also notes that the nature of city centres is changing, largely due to structural changes in the retail market and internet shopping, and the importance of allowing centres to diversify while protecting their vitality and viability. The NPPF also says that decisions should promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Policy SD2 of the JCS sets out that within primary shopping frontage the change of use of A1 retail premises will not be permitted unless it can be demonstrated that the unit is not suitable for continued A1 use, the proposed use will maintain or enhance the vitality and viability of the area and it would not have a significant adverse impact on the amenity of adjacent residents or businesses. The use of the majority of the retail floorspace would be lost, with a commercial unit proposed along the Northgate Street frontage at a much reduced floorspace. Policy SD2 also says that new residential and retail that contribute to the vitality and viability of the centre will be promoted and supported. Development in the centre should be of a scale that is appropriate to its role and function and will not compromise health of other centres or sustainable development principles; the City centre is the main centre in the area and the number of units and scale of the commercial unit are considered appropriate. Scale in terms of storey height is address later. Proposals that help deliver the regeneration strategies for the city centre will be supported; in this regard the proposal would reutilise a largely vacant unit (current temporary tenant notwithstanding) and bring residents and associated spend into the centre, while retaining an option of a frontage unit in the primary shopping area.

- 6.10 No marketing information has been provided so there is no formal record of any expressions of interest in the retail unit as it stands. It seems reasonable to assume given the size and age of the property and the state of the retail sector, and with vacancy rates among ground floor retail units in the gates streets being high compared to the national average, that interest would likely be low and securing a long term retail tenant for the building may be challenging. The City Growth and Delivery Manager refers to the Gloucester City Centre Vision which noted the need to attract more people to live in the city centre to bring more life and vibrancy to the area, and is supportive of the provision of the 55 flats. The retention of commercial floorspace and frontage at Northgate Street assists in maintaining some level of commercial activity to the street, but ultimately I consider that the scheme must result in some detrimental effect on vitality and viability given the reduction in retail floorspace and frontage from Hare Lane. The vitality of the Northgate Street frontage in general would be broadly maintained by a commercial presence along this stretch. The City Growth and Delivery Manager's and Policy Team's concerns about the unit size and servicing are acknowledged, and the unit has been modestly changed in response to concerns to be deeper and narrower, although the frontage servicing is a product of the plot arrangement and it would need to be serviced in this way like nearby commercial units. The issues have been raised with the applicant and this is the scheme they now wish to be determined. Ultimately it is considered better to have a non-ideal commercial unit than lose the active frontage entirely. Anecdotally, the applicant's Asset Manager considers that smaller units as now proposed, would be preferable for letting. It is also apparent from some of the more recent consultant reports that the existing building is deteriorating, with one referring to "a large section of the ceiling of the 1st floor collapsing in". This furthers the likelihood that permanent re-occupation for retail on the current arrangement would not be successful. It is therefore considered that there would be some harm in terms of vitality and viability against the plan policies, but equally some benefits from future residents, and in the context of the retail market, the proposed loss of retail floorspace is acceptable on balance.
- 6.11 The applicant proposes the use for Class E which includes retail, as well as food and drink (e.g. cafes), financial and professional services, indoor sport and fitness, medical or health services, day nursery, or office/research and development/industrial that is suitable in a residential area, some of which would probably be naturally dissuaded by the size and location of the unit but all of which are considered acceptable in the City centre location. It is recommended therefore that the use of this floorspace is agreed for Class E but restricted from another other 'permitted development' change of use given the site has particular characteristics around residential use proximity, retail frontage, etc that might make other alternative uses inappropriate where the Council would have no control over determination. On this basis, the proposed use of the commercial floorspace is considered acceptable.
- 6.12 **Principle – Minerals designation**
The site is within a Mineral Consultation Area. This is a safeguarding designation for the Gloucestershire Minerals Local Plan. It is outside the defined mineral resource area for sand and gravel and the County Council Minerals team raises no objection on minerals safeguarding.
- 6.13 **Public benefits of the development**
Consideration of the likely public benefits of the scheme is relevant to the determination of this application, both in the overall balancing of the application's merits and in the context of any harm to heritage assets, whereby the NPPF advises that heritage harm should be balanced against public benefits.

- 6.14 Public benefits from the proposal are likely to include the following:
- Provision of housing.
 - Developing a suitable brownfield site for identified needs.
 - Introduction of additional population to the City, likely to be accompanied by a related increase in footfall and associated spend in the locality. This has associated social benefits as well as community safety benefits in terms of natural surveillance within the area.
 - Improvement in appearance of prominent central site.
 - Job creation during construction phase, and economic activity in vicinity from construction workers
 - Environmental benefit of introduction of green space into City centre.

Overall these are considered to be public benefits of considerable weight and weigh in favour of the proposal. The applicant has promoted a long list of additional public benefits, however some of these are considered to be mitigation measures and considered neutral effects in planning terms.

6.15 **Heritage assets and design, layout and landscaping**

The design of the proposal and its impact on built heritage are closely linked and so these matters are discussed together in the following section. Buried heritage is dealt with subsequently and brought together to an overall view on heritage impact.

6.16 ***Heritage - overview***

The proposal would affect heritage assets which are set out below. Some of these are designated heritage assets. The buried archaeological assets and the building on site are non designated but considered likely to be of regional, possibly national importance. The NPPF requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.17 ***Built heritage policy and legislation***

The NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, it states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Furthermore that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets as appropriate to their significance. Policy A1 of the City Plan requires development to avoid a significant adverse impact on the streetscene and character of the locality. Policy D1 of the emerging City Plan reflects the guidance in the NPPF and JCS in respect of designated and non-designated heritage assets respectively. Policy D2 sets out criteria for dealing with non designated assets. Policy D3 sets out requirements for recording and understanding the significance of assets where revealed, altered or damaged during proposals.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Section 66 (1) requires in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) requires in the exercise of functions with respect to any buildings or other land in a Conservation Area, special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

6.18 ***Design policy***

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. It also sets out that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is important that decisions avoid homes being built at low densities, to ensure optimal use of sites, and furthermore that plan standards should seek a significant uplift in the density of residential development in city centres and areas well served by public transport.

6.19 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. Design should establish a strong sense of place and have appropriate regard to the historic environment. Policy SD10 requires residential development to seek to achieve the maximum density compatible with good design and the character and quality of the local environment. Policy INF3 requires development to positively contribute to green infrastructure.

6.20 Policy A1 of the City Plan requires overall improvements to the built and natural environment, to be of a suitable scale for the site, preserve the character of the area and appearance of the streetscene, have appropriate bin storage, and create and support healthy living conditions. It requires development to make effective and efficient use of land and buildings. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy C7 seeks measures to help prevent suicide and accidental falls on buildings or structures over 12m in height. Policy E7 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows, and tree protection measures during development. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they strongly compliment local distinctiveness. Policy F2 requires hard surfacing, boundary treatments and planting to be appropriate to the location, and incorporate existing natural features where possible, and ensure adequate space for trees to mature. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle.

6.21 ***Heritage assets***

Site assets

The existing building is not designated but it includes a mural on the Hare Lane frontage that was added to the local list in 2022 and is a non designated heritage asset as such.

Conservation Areas

The northern part of the site is within the Cathedral Precincts Conservation Area, and the site is immediately adjacent to the London Road Conservation Area on the Northgate Street side. The Worcester Street Conservation Area is also close by to the north east. The City Centre Conservation Area is close by to the south west.

Listed buildings

There are listed buildings in the near vicinity including:

The Grade 2 listed No. 59 Northgate street (the Imperial public house next door but one to the site).

The Grade 2 listed no. 8 Hare Lane (the 3rd property away from the site). Telephone box on Hare Lane.

The Grade 2 listed Raven centre (immediately next to the site to the north west).

The Grade 2 listed no. 5 Worcester Street, and then the Worcester Street terrace from 9 onwards (beyond the intervening open land to the north east of the site).

The Grade 2 listed no. 83/85 Northgate Street and 1 Worcester Street (at the corner with Northgate Street, 5 properties away to the east).

The Grade 2* listed church of St John, Northgate (to the south west of the site at St Johns Lane).

The Cathedral buildings which are approximately 105m to the west of the site. Primarily these include the Grade 1 Cathedral church, Cathedral treasury, and chapter house.

6.22 ***Scale and density***

Policy A1 of the City Plan requires development to make effective and efficient use of land, while being of suitable scale for the site and preserving local character and the streetscene. Similarly Policy SD10 of the JCS requires residential development to seek to achieve the maximum density compatible with good design, protection of heritage, character and quality of the local environment. The NPPF includes guidance on maximising density and upwards development and supports opportunities to use the airspace above existing commercial premises for new homes. It advises that Authorities should refuse applications which fail to make efficient use of land.

- 6.23 In this context the proposals present a fairly dense scheme that maximises the efficiency of the site for the delivery of homes within the constraints of the site while providing some associated open space, indeed it pushes at these constraints in respect of the height. The scale of properties in the area is generally 2-4 storeys with some 5 storey buildings. The Forum development which is visible in the context of some views of the site, is 7 storeys but is farther from built heritage assets. The site offers the opportunity for a higher density scheme in the City centre and close to the transport hub, and this is clearly supported by national and local policy, however this needs to be tempered by the local context, in this case including a number of sensitive designated heritage assets.
- 6.24 Blocks B and C have in fact been brought down in scale from earlier iterations of the proposal and in my view now sit acceptably within the general scale of the local area in terms of height. The heights reflect the adjacent buildings; Block B on Northgate Street is designed to relate to the parapet height of the adjacent no. 61 and stepping down to the lower eaves of no. 73 on the other side. Block C on Hare Lane is a similar height to the existing building and sets the parapet at a height that links and respects the scale of the Raven Centre and the eaves height of 10-12 Hare Lane. The set back of the top floors assists most with this and the buildings would be clearly read as not having a full height front-face of the building. The colour of the top floor cladding could further assist in recessing this element. Further analysis in the context of heritage assets is provided below.
- 6.25 Block A at 5 storeys is somewhat more challenging and requires more analysis. On face value it is of a taller scale than any local building other than Walkinshaw Court to the east (also 5), church spires, possibly the former Debenhams building (4 storeys but potentially comparable scale given its floor to ceiling heights, and 5/6 storeys including its rooftop structures) and the more distant 7 storey Forum development. The applicant has undertaken an extensive series of modelled views which are helpful to assist this analysis. It appears likely that the change in scale would appear most prominently in views of the site from Hare Lane car park. It is acknowledged however that you do see the upper parts of tall buildings behind in that view already, while the existing view of the site is a wide mass of unattractive blank building, which would be broken up somewhat in the proposed arrangement and would be more open. Also, more fundamentally, that view from the car park is not a protected or particularly sensitive view and this is analysed further in the Conservation Area impact analysis below. The Council has identified views that it does consider to be important across several documents, most notably the Heights of Buildings SPD and these are addressed in the next section. Views are also noted in some of the Conservation Area Appraisals and these are also picked up in the Conservation Area impact analysis below. These do not include the view across the car park.

6.26 **Heights of buildings and views**

Policy D5 of the City Plan seeks to protect views of the Cathedral and places of worship, and the heights of buildings SPD provides further detail; setting out local and strategic view corridors. The City Plan also includes the Local View corridors. The SPD defines a tall building as any structure that breaks the skyline and/or which is noticeably taller than surrounding buildings. The following are relevant views in the SPD;

View 4 (from the hospital). This has recently been analysed for the Great Western Road scheme considered by the Committee. The SPD defines the viewpoint within the hospital grounds (although there seems to be an error in the report as it is not the view pictured in the SPD). The view as set out in the City Plan in plan form suggests that Block A would intersect the view, although there is considerable built form between including the railway station and Spredaegle Court. Given the lack of clarity in the SPD view I walked the hospital site to ascertain the potential impacts on the Cathedral tower for the previous scheme, and there are no prominent views of the Cathedral tower in the vicinity of the view corridor set out in these documents with trees in leaf; the current tree cover substantially blocks views towards the City Centre. It is also possible that the hospital footpath arrangement has altered since the 2008 SPD where those view corridors were established. Overall one cannot gain a good, clear view of the Cathedral tower until further west along Great Western Road. Visuals provided by the applicant within the City Centre suggest that Block A would not show substantially above the surrounding built form and given the distance from this defined viewpoint I consider it unlikely that a harmful impact on this view would be caused by a 5 storey building here. Notably, the 7 storey Forum development would be slightly off to the left in this view.

View 5 (from top of London Road). The site would be off to the left of this view and as such would not directly compete. This is reinforced by the view shown in the SPD, and given the above analysis of scale compared to surroundings, again no harmful impact on this view would be caused.

View 6 (from Hare Lane car park). The site is well offset to the left hand side of this view.

View 2 (from Metz Way). The site would be offset to the right of the view and given the intervening development including the 7 storey Forum development, it is not considered it would be harmful.

From the other side of the City the site would also broadly be in the immediate background to views of Cathedral from designated views 13, 14, 15, 16 and 17 from the Alney island/Westgate Island/The Quay area. I consider it likely given the scale and extent of buildings in the vicinity and the distance of the viewpoints, that the proposal would not be prominent such as to be harmful.

In terms of the strategic view corridors in the SPD, it would be within view 11 from Chosen Hill. At the maximum scale of 5 storeys, while slightly taller than immediate surroundings it would not be harmful within this view. It would also be in the background of views 2, 3, 4 and 5, but for similar reasons would not be harmful.

6.27 While not in the SPD, the site is broadly in the alignment of the view down the new street within The Forum development (Kings Quarter) to the Cathedral and it is considered that this would be of equivalent status to the views of the Cathedral set out in the SPD given the prominence and likely high pedestrian usage of the new street. The applicant has now provided a visual to model any impact here showing that no harm would be caused.

6.28 ***Layout and linkages, community safety and access***

The layout would break down the full site coverage of the existing building while retaining well-defined built frontage and definition of the streets. This allows for the provision of a central courtyard which is considered desirable for residents' amenity and for the environment, and the Conservation Officer cites this as a considerable gain for the Conservation Area. Recessed entrances have been redesigned since the first submitted plans, and the site would have resident access doors at the site perimeter, connecting directly to the Northgate Street and Hare Lane footways and Hare Lane car park (in the same manner as the existing residential premises fronting the car park on its east side). In terms of the Police's concern about siting the mural in an alleyway and it being vandalized; it is now proposed to accommodate the mural inside the resident's entrance lobby. The open spaces within the site would be subject to a good level of natural surveillance from the proposed units. The scheme would also substantially improve the natural surveillance from the site including onto the adjacent streets. The cycle stores are situated within the buildings on the interior of the scheme behind the perimeter access points, and as required by the Police, are proposed to be conditioned to meet secured by design standards. The Building Regulations system will control much of the detailed design of the buildings however the entrances appear step-free, with step-free access between floors via lifts. The architect's Design and Access Statement sets out that all properties are designed to be accessible and meet a minimum of Building Regulations Part M safe and suitable access for all within the building including level thresholds, external routes ramped for ease of wheelchair access, and provision of two disabled car parking spaces. It is therefore considered that the development provides good community safety and accessibility design and complies with the policies in this regard.

6.29 ***Detailed building design***

The aesthetic and historical merit of the existing building is somewhat subjective with the value of 20th Century architecture becoming more recognized in rarer cases of noteworthy design. The Council's Conservation Area Appraisals describe the negative impact of the existing buildings however, and while they are considered to offer little to the current appearance of the streetscene other than the mural, they are at least of generally consistent scale. The proposed development would break down the appearance of the street frontages into more traditional forms and I consider it would enliven and improve the appearance of the site overall in that respect. It is evident that detailed analysis has been undertaken of the character of buildings in the vicinity, which complies with the policy approach. This has led to a considered design that would be well mannered within the streetscape in terms of its articulation and detailing.

6.30 Brick is a very common façade material in the area so this is proposed, and also using brick patterning. Different brick colours are proposed however, with lighter colours to the Hare Lane area, supported by the Conservation Officer, and in this immediate locality there starts to be a change in materials with more stone within the Cathedral and Kings School area so this colour approach is considered acceptable.

6.31 Policy D6 is relevant because blocks A and B are over 12m in height. The Design and Access Statement sets out that all buildings would have maintenance access onto roofs with mansafe systems. Fall prevention measures for these taller flat blocks can be secured under condition and this is committed to by the applicant.

6.32 **Waste collection**

The Waste team indicated that they would have issues with making the collections given the layout submitted initially. In response, the applicant has set out that they would arrange a private collection and has provided information to this effect. The County as Waste Authority has said this information is sufficient to remove their initial suggestion that waste minimisation measures during occupation were required by condition. In this context it appears that a waste collection arrangement is confirmed and there is no fundamental planning objection.

6.33 **Landscaping**

The site is currently covered by buildings and has no soft landscaping. Introducing some would be beneficial for the environment, for the appearance of the area and for biodiversity. The proposal would include a range of tree planting that would deliver these benefits and give the development an attractive green aspect. The approach is considered acceptable in principle and it is recommended that a detailed planting specification is secured by condition, and also the standard planting implementation and maintenance condition. These could address the matters raised by the Council's landscaping consultant. There would also be a need to co-ordinate with the archaeological assessment and potentially secure suitable root barriers or similar.

6.34 **Heritage impacts**

The applicant's analysis

The applicant's heritage appraisal accepts a degree of harm to the significance of the Cathedral Precincts Conservation Area and the Raven Centre listed building from the scale of Block A (to the rear) although also citing benefits to this asset as a result of improved quality and appearance in place of the current building as its immediate neighbour. Their assessment is that in NPPF terms this is very low level of less than substantial harm, with other heritage assets entirely preserved including their setting. In line with the balancing approach required by the NPPF, they cite public benefits to be weighed against the heritage harm including; removal of a poor quality, visually intrusive existing building in need of enhancement; architectural enhancements to Hare Lane; and architectural enhancements to Northgate Street. They conclude that overall the proposals would entirely preserve the significance of the heritage assets as a result of high quality design and the architectural and landscaping enhancements in comparison to the existing, with the works either resulting in no harm or loss of significance, or complying with the NPPF tests anyway as any minor harm is outweighed by heritage based public benefits. They also assert that the proposal achieves preservation for purposes of s66 and 72 of the Listed Building and Conservation Areas Act.

6.35 *Heritage impacts at the site*

The loss of the existing 20th century building is not considered objectionable. It is thought to have been designed by Sainsbury's in-house architect team who designed a number of other stores in this period and it opened in 1970. While there has been a changing perception in the value of 20th century buildings, there is no objection from the various heritage professionals to its loss, and the Cathedral Precincts Conservation Area Appraisal (CAA) allocates part of the site as an area in need of enhancement along with the Hare Lane car park. Although not allocated as one of the negative buildings it is in fact referred to as a negative building in the CAA analysis, noting that the existing building is a visually intrusive structure too large for its context, and a bland and dated structure. The CAA recommendations include that the Council will encourage redevelopment of sites that make a negative contribution to the character or appearance of the Conservation Area. In the London Road Conservation Area appraisal, the site is specifically omitted from the Conservation Area designation entirely. The building does however provide street presence and it is recommended that the standard condition for developments involving demolition in the Conservation Areas is imposed, requiring evidence of a contract for redevelopment being let prior to demolition commencing.

6.36 The main impact on built heritage assets at the site itself is considered to be the effect on the Henry and Joyce Collins mural to Hare Lane. Public art was a popular feature of Sainsbury's stores and other examples of the Collins' work can be seen at other branches. The applicant advises that it is made up of 11 panels. This is a non designated asset and the NPPF says that the effect on the significance of a non designated asset should be taken into account whereby a balanced judgement will be required having regard to the scale of any harm or loss and significance of the heritage asset. The Cathedral Precincts Conservation Area Appraisal suggests the mural might be used in any redevelopment of the site. The mural would be retained within the scheme, so there is no loss of this asset. Its location would be altered but this is not considered to significantly harm its integrity as a historic piece of art. The design of the Northgate Street façade and entrance foyer have been amended to seek to maximise its visibility with a large glazed entrance and splayed walls where it would be sited. The applicant has committed in their heritage statement to the mural relocation being undertaken by hand by specialists, and also committed to lighting it. As a heritage asset it is recommended that its relocation, and historic interpretation material for it, are secured by condition.

6.37 *Physical impact on the adjacent listed building*

The applicant's heritage advisor has confirmed that the buildings are not tied in so there would be minimal physical impact to the adjacent listed building from demolition. It is however recommended that measures are required by condition to protect this listed building during demolition and construction such as vibration monitoring, which the applicant commits to in their heritage statement, and measures upon potentially revealing the gable end wall of the property.

6.38 *Conservation Area impacts*

The Council's Conservation Area Appraisals provide useful contextual analysis of the qualities and opportunities of the Conservation Areas. Three Conservation Areas are relevant principally. As already mentioned the Cathedral Precincts Conservation Area Appraisal allocates the site as in need of enhancement. The analysis records the area as a 'severely truncated stump of a suburb of post medieval houses cleared before WW2', and the loss of the former tight knit urban form of the area as a negative effect. As noted earlier the Appraisal recommendations include the Council encouraging redevelopment of sites that make a negative contribution to the character or appearance of the Conservation Area. There are no important views identified towards the site in this appraisal. The appraisal also records the Raven centre as a focal building, and the adjacent two buildings on Hare Lane as positive buildings. In the London Road Conservation Area appraisal, the site is specifically omitted from the Conservation Area designation. Furthermore, the adjacent building on Northgate Street (no. 61 - Farmhouse) is recorded as a positive building in the Conservation Area, as are the buildings close by on the other side, beyond the adjacent no. 73. In the Worcester Street Conservation Area Appraisal an important view is identified southwards down Worcester Street. The unlisted no. 7 Worcester Street is recorded as a positive building.

6.39 I disagree somewhat with the applicant's analysis in relation to the impact of Block A. While they acknowledge Block A is taller than established characteristics of the area (which tend to be 2-4 storeys) they consider the effect of the height is for the most part limited given the lack of visibility of the block. As mentioned earlier I do consider it would jar in terms of height with the three storey Worcester Street building in the backdrop when viewed from the Hare Lane car park vicinity which is a clear open view in this part of the City, as it would be at odds with the prevailing heights in the immediate vicinity. I do however accept the applicant's contention that there are taller buildings, including 5 storey scale, within the City Centre. I also note that from Pitt Street you can see the 7-storey Forum development above and beyond the site where Block A would appear and you can also see the tops of buildings behind when viewed from the car park. It is also important to consider the relative importance of the view here in which Block A would be perceived against Worcester Street properties, and any impact on the significance of the Conservation Area. It is not a protected view, is across an unattractive surface car park, angled away from the focal points of the Cathedral tower and St Johns spire, and currently has the large mass of the existing building in prominent view. It is therefore not considered a high value view meriting strong levels of protection. This concern also needs to be tempered against the Government's national policy direction to deliver a significant uplift in the density of residential development in City centres and areas well served by public transport, which the scheme contributes to by pushing the height of Block A. The applicant has also noted, though without evidence, that a reduction in height would strain the viability of developing the site and they would need to expand the footprint to cater for any height reduction (and as will be seen later in the report; all s106 financial contributions are being offered, which is underpinned by the quantum of development achieved). An expanded footprint would be undesirable in reducing the inner courtyard space. Overall I consider the visual impact of Block A within the Conservation Area to be somewhat detrimental and weighing modestly against approval of the development, but not of such harm as to outweigh the public benefits set out above.

- 6.40 The views down Northgate Street and across the corner of Northgate and Worcester Street noted in the London Road Conservation Area Appraisal are effectively replicated in visuals provided by the applicant with the top of the Cathedral tower in the background. These show that the very top of Block A would be visible above the foreground buildings when farther back near to Spreadeagle Road, but would disappear behind the existing corner buildings as you approach. Views from a short distance either side vary considerably (the Cathedral or site disappear) plus other buildings conceal part of the view of the Cathedral. The proposal would therefore lead to a low level of impact within this view. In replacing the incongruous mass of the existing building in the Hare Lane and Northgate Street scenes, with a design that breaks down the mass of development into a more fine grain appearance, more reflective of the tight knit urban form referenced in the CAA, I consider it would be an improvement. Block A would be situated off to the right of the view southwards down Worcester Street identified in the Worcester Street Conservation Area Appraisal, however the modelled views from the applicant indicate that it would not be seen beyond the foreground buildings on Worcester Street.
- 6.41 The Northgate Street Block B would actually be outside the Conservation Area but would affect it by creating replacement street frontage immediately at its boundary. The increased mass of Block B could also be perceived in the view up and down Northgate Street but is not considered to be so out of keeping within the street and roofscape of the street as to be harmful. The scale of buildings nearby are at 2-4 storeys, and while somewhat taller, the proposed block is not considered substantially out of keeping, with the amended design raking the top floor roof back to limit any impact within the streetscene. The London Road Conservation Area contains a wide range of building types and ages and the proposed design would not be out of keeping with any definable characteristic of its surroundings. The applicant's heritage adviser asserts that this would deliver an overall aesthetic enhancement to the character and appearance of streetscape and this seems a reasonable conclusion. The articulation of the façade is considered a more sympathetic reflection of the historically tighter urban grain of the area than the horizontal bulk of the existing building.
- 6.42 Block C to Hare Lane would be broadly similar in terms of the scale to the existing building, while in setting the upper floor sections back and inward, would reinstate more prominence to the skyline and silhouette of the Raven Centre. The Conservation Officer is happy with the scale of this block. The silvery grey brick was evidently chosen to reflect the more tranquil character of this area, and the black and white of nearby buildings as well the Cathedral in the periphery and this seems a reasoned approach. Historic mapping and the existing form of development to Hare Lane includes terraces and modest plots by comparison to the bulk of the existing building and the articulation of the proposed building front elevation would be more sympathetic to this historic form.

6.43 There are however reservations from some consultees about the design in this area of the City; Historic England considers the proposal does not respond to the character and appearance of the Conservation Area and is a missed opportunity for place-shaping and would not preserve or enhance the character and appearance of the Conservation Area, the Civic Trust has raised design issues, and the Conservation Officer agrees with the observation of it being an 'anonymous architectural approach' however the Officer also considers it better than the existing development and is concerned that no proposal coming forward would cause further and arguably longer lasting harm to the Conservation Area. In the context of the above analysis, including the Council's negative commentary on the existing building within the Conservation Area Appraisal, I do not consider harm can be substantiated over and above the Conservation Officer's advice that the scheme would have a very low level of 'less than substantial harm'. This harm weighs against the proposal in the context of giving a higher level of consideration to heritage impacts, and is balanced against public benefits as required by the NPPF in the following section.

6.44 *Impacts to setting of listed buildings*

Setting of the Raven Centre

This has already been touched upon in the earlier analysis, whereby the existing building relates poorly to the Raven Centre and in being of a similar scale to the existing building but breaking down the mass with vertical definition in the facade, it is considered that Block C would at least preserve and in terms of building appearance, enhance the setting of this building. Block A would appear behind the Raven centre in views along Pitt Street and immediately adjacent in views from the north. The proposal would marginally break down the mass of the existing building in the view from the north, however it would be more prominent in the view from west and the applicant accepts a degree of harm to the significance of the Raven Centre listed building from the scale of Block A, although as above, this is in the context of other benefits in the immediate context. Again, the Conservation Officer advice is of a very low level of 'less than substantial harm', which therefore weighs against the proposal in the context of giving a higher level of consideration to heritage impacts, and is balanced against public benefits as required by the NPPF in the following section.

6.45 *Setting of Cathedral*

The applicant's heritage adviser asserts that while in relatively close proximity the site is well removed visually from the Cathedral by intervening built form and dense planting, with no intervisibility between the Cathedral and the application site with the site being a neutral component of the wider setting of the Cathedral. Historic England has raised concerns in this regard in that while they do not oppose the principle of redevelopment they are concerned about the Hare Lane elevation in the wider setting of the Cathedral, noting that the proposed architectural approach would not deliver a meaningful improvement over the existing Sainsburys building and would fail to make a positive response to the Cathedral setting. Notwithstanding that a positive response is an aspirational position and the test is for preservation (and this has been asserted in the applicant's rebuttal to the Historic England comments), the Council's Conservation Officer cites this part of the scheme as a neutral impact with some enhancement on the current building and that the proposed height here is acceptable. I agree with the latter position and with the several references through the Conservation Area Appraisal about the detrimental effect of the existing building, and with no detailed description from Historic England of how the scheme would harm the Cathedral setting I believe it would be difficult to substantiate such a claim given the current site condition and proposals. Historic England have also confirmed that they are now satisfied their previous concerns over potential impact on the spire of St Johns have been allayed.

- 6.46 No concerns about harm to the setting of other listed buildings are raised, with the Conservation Officer noting that the introduction of the green amenity space would be considered an enhancement to setting. While there would be a changed relationship with the grade 2 listed 83/85 Northgate/1 Worcester Street by their being situated behind Block B in views down Northgate Street, this would be very limited and would not be harmful and as already set out, Block A would have only limited visual impact behind these buildings in the street scene where viewed from the other direction. For the listed Imperial public house at 59 Northgate Street, similar considerations apply as to the above Conservation Area analysis; the Northgate Street block would be at a slightly increased but not harmful scale, and would present a more sympathetic street façade, and would preserve the setting of this building. For the other listed buildings on Hare Lane, the proposal would remove some of the mass of the existing building that provides the backdrop immediately behind the Hare Lane plots, and per the above analysis would provide a more sympathetic street façade as the backdrop streetscene to these listed buildings. As such there would be a degree of enhancement. For 5 Worcester Street, the development would not generally be perceived in views of its main frontage. Block A would be taller than the existing building however views in which to perceive and appreciate no. 5 from the rear across the car park are limited and not prominent views and with the breaking down of the mass of the existing building the overall effect would be preservation. There would be no harm caused to the setting of other listed buildings within the vicinity of the site. Overall the conclusion is that the proposal would generally preserve the setting of listed buildings in the vicinity, with some enhancement, but some limited harm to the setting of the Raven Centre.
- 6.47 *Overall built heritage conclusions –*
A very low level of 'less than substantial harm' would be caused to the setting of listed buildings and to the Conservation Areas, alongside other areas of enhancement to heritage assets. Any loss or harm to the setting of the Raven Centre, 8 Hare Lane, the Cathedral or Church of St John is marginal and less than substantial. The non designated heritage asset of the mural would be preserved. Other heritage assets would be preserved.
- 6.48 **Archaeology**
This site is located in an area of considerable archaeological interest. A previous excavation prior to the Sainsbury building on the Northgate Street section revealed significant Roman building remains beneath the site, specifically one of the largest stone and timber buildings of Roman date found in Gloucester outside the old Roman walls. Above this the remains of a possible medieval forge. The site is also situated between two Roman roads and there is considerable potential for further complex, deeply stratified archaeological remains of medieval and Roman date to survive within the site. The archaeology is potentially of national importance, and certainly of regional significance.
- 6.49 The current site conditions, with the standing building covering almost the entire footprint of the site, mean it is not possible to properly evaluate the site but this would be necessary post-demolition and prior to any further below ground works or construction, to further characterise the site and refine the mitigation measures such as potential pile re-use, and the type and location of other below ground works, in addition to the usual archaeological investigation programme that is required in areas of archaeological interest. Subject to securing the mitigation by conditions, no objection is raised in relation to archaeological impacts. As such, adverse effects on non designated but highly significant heritage assets are possible, but can be mitigated. The application complies with the above policy context.

6.50 Overall conclusion on heritage matters:

The balancing of harm with public benefits is a policy test only for designated assets. For non designated assets the test set out in the NPPF is that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement should be made, having regard to the level of significance of the asset and the scale of any harm or loss. The NPPF does refer to treating buried assets of equivalent significance to scheduled monuments in a commensurate fashion and given the evidence of finds in the City Centre this has been taken into consideration. In accordance with the NPPF great weight has been given to the assets' preservation in the assessment.

The harm is less than substantial at a very low level and is allied with enhancements in other respects.

The heritage conclusion in NPPF terms for designated assets is that the public benefits set out earlier are considered significant and it is considered that the public benefits outweigh the heritage harm identified. For non designated assets the scheme preserves the mural, retaining it on site and is considered a neutral effect, and for buried assets potential impacts would be mitigated by the programme of archaeological works.

Against the development plan and the legislative provisions the low level of harm identified to built heritage will be weighed into the overall planning balance.

6.51 ***Traffic and transport***

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 and sets out that permission will be granted only where the impact of development is not considered to be severe.

6.52 Policy G1 of the City Plan sets out that in all development, on street space designed and allocated for pedestrians, cyclists, mobility users and deliveries, and bus stops and bus priority measures will be prioritised over the parking of private vehicles. It also sets out the approach to car and cycle parking levels. Policy G2 requires all developments to provide safe and secure access by cycle. Policy G3 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. New public realm development should reflect pedestrians being at the top of the road user's hierarchy. Proposals that disrupt walking desire lines, reduce the pedestrian legibility or reduce pedestrian connectivity will not generally be supported. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

6.53 ***Accessibility***

The site is centrally located with good access to local facilities that would be used by future residents, and with good accessibility for pedestrians and cyclists. The bus station is 350m away, the train station 500m. The bus station provides extensive bus links to the surrounding areas and is nearby as is the train station. There are also nearby stops in Kingsholm Road, Gouda Way and London Road. Northgate Street is part of the County Council's proposal for improved cycle routes.

6.53 *Access arrangements*

Northgate Street is a two way 20mph road, which changes to 30mph just to the east of the site. Hare Lane is a single carriageway allowing for northbound travel, at 20mph, changing to 30mph at the junction with Pitt Street. At the three arm roundabout here there is also access to the Hare Lane car park, which backs onto the application site in its south east corner (where the delivery bay for the former supermarket was provided). The only vehicular access is to the two bays for disabled persons, located off the Hare Lane car park. There is therefore direct and convenient access to these bays, and for pedestrians and cyclists directly off the highway into the development at Northgate Street, Hare Lane or the car park. The Highway Authority is satisfied that the retained footway width to the Northgate Street frontage is sufficient but it would necessitate relocation of street furniture, which is proposed to be secured by condition.

6.54 *Refuse and servicing*

Communal bin stores are designed in for residents on the ground floor of each block, with refuse collection to take place via Hare Lane car park via the bin store holding area. This arrangement is accepted by the Highway Authority, noting that it was the point previously used for rear servicing to the retail unit. The applicant advises that an agreement is in place with a private waste collection agency and that the building management company would be responsible for moving the communal bins on collection day to the holding area. The applicant has offered in their heads of terms for the legal agreement the formation of a private management company for waste/recycling collection and communal areas. For the commercial floorspace there would be a bin store off Northgate Street and deliveries and refuse collection would be from there. Servicing for residential units would need to be off the highway or car parks. This is similar to the existing residential premises fronting Hare Lane and Hare Lane car park and the recent Tanners Hall development to the north.

6.55 *Parking:*

Manual for Gloucestershire Streets sets parking levels based on size of units, and departure from these levels is permitted based on car free/reduced parking provision, including for residential development in city centres where consideration is given to options for access via sustainable modes, public car park provision, parking restrictions, number of linked trips and implementation of a Travel Plan, and furthermore that where housing density is greater and there is a wide range of transport choices car free development will be encouraged. The City Plan sets out that development should provide parking to a level and design appropriate for the local context taking into account its accessibility, the type, mix and use of development, any parking restrictions, the availability and opportunities for public transport, car ownership levels and the need to ensure adequate provision for charging facilities. The City Plan sets out that the quantum of car parking will depend on the site circumstances to ensure that effective and efficient use of land is made. It sets out that developments that are centrally located, close to public transport, and in areas with low car ownership will not require as much land dedicated to car parking as others. Where a low or no-car location can be supported, a Travel Plan will be required. This is to set out measures to support use of alternative transport modes, and include a communication strategy to ensure new residents understand the limited parking availability.

- 6.56 This area is in the Gloucester Central zone; a controlled parking zone where parking is permitted in designated bays either through pay and display or a permit. Northgate Street also provides laybys for temporary parking for disabled badge holders only. Hare Lane at its southern extent also provides spaces for temporary parking for disabled badge holders. The locality does appear to have a number of parking permit areas that would be reasonably convenient for residents such as Pitt Street, farther north east on Northgate Street, and Worcester Street. The extant use of the application site is a supermarket for which no dedicated parking was provided. The application sets out that it is intended to operate as car free and acknowledges that the Highway Authority seeks legal agreements to exclude future residents from a permit. Given the City centre location residents would have choices to not require use of a car on a day to day basis and be able to access sustainable modes of transport. The Highway Authority accepts the proposals as a car free development. It is acknowledged that concerns have been raised about parking provision. The guidance is clear that in sustainable locations close to centres and transport hubs, densities should be increased, and in the context of the climate crisis and aspirations to limit private car use, lower parking provision is considered reasonable here where the City's public transport options are most accessible and there is also close proximity to employers and amenities. Future residents would have good opportunities to access transport hubs and local facilities via non car-borne means and the site provides a good opportunity to maximise density and reduce reliance on cars. Securing the contribution to fund amending the TRO to exclude future residents from the parking permit scheme would reinforce the position. The Hare Lane south car park provides 97 spaces including 6 disabled, and combined with the Kings Walk car park, and in future the Forum car park, provides an option for visitor parking. The applicant proposes that the use of the disabled bays would be enforced via the management company who would be responsible for ensuring proper use. The Highway Authority has also requested electric vehicle charging points for the disabled parking bays to be specified under condition. An accident assessment of the locality and the car free nature of the proposal means the Highway Authority does not raise concerns to warrant an objection over safety.
- 6.57 *Cycle parking:*
The City Plan requires a minimum of 1 cycle space per 1 bedroom dwelling and 2 spaces per dwelling with more than 1 bedroom. Manual for Gloucestershire Streets requires 1 space per bedroom. The cycle parking provision for future residents would be 78 spaces, which complies with both calculation methods. The applicant has in fact also denoted a space within each flat where cycle storage could be accommodated. The cycle storage is considered to satisfy the need to be sheltered, secure and easily accessible. As the exact arrangement isn't detailed it is recommended that the required number be specified in the condition.
- 6.58 *Highways impact; trip generation*
The proposal would remove the HGV movements needed to service the retail unit. In so far as any trips to the retail unit may have been by vehicle (as opposed to linked trips which may still occur, or pedestrian/cycle trips to the store), the proposal would also remove these from the network. The applicant's assertion is that in relation to the existing use, because of the location, it is expected that trips would have been primarily via walking, cycling and public transport, plus a small percentage by car due to the proximity to local car parks and on street bays and on this basis a trip comparison assessment of existing and proposed trips is not required. They assert that the majority of trips to the site are anticipated to be made on foot or public transport, which can be accommodated at and around the site. The minimal parking provision and the proposed exclusion from the permit scheme would reinforce this scenario.

- 6.59 One representation refers to making the redesignation of Pitt Street a mandatory requirement of any permission granted. The Highway Authority considered this earlier in the application process and advised that in terms of the operation of the street, and impact and attraction for occupants of the proposed development, the effect would be so limited that it would not be a necessary change to make the development acceptable in planning terms. It would not therefore be a valid planning obligation to secure.
- 6.60 *Travel Plan:*
A travel plan has been submitted which sets out measures to ensure that residents do not require cars rather than setting targets for vehicle reduction, using marketing and sales information, promoting alternative sustainable modes of transport and ensure awareness of available sustainable travel options. Travel Information packs would be provided on first occupation. Further detail will be required on the Travel Plan under condition, but it would aid the shift to sustainable travel modes, and the Highway Authority requires a monitoring contribution for Travel Plans of £5,000.
- 6.61 *Highways conclusions:*
Overall the Highway Authority raises no objection and subject to conditions and the financial contributions to travel plan monitoring and the TRO amendment the proposal would not cause an unacceptable impact on highway safety or a severe impact on congestion, and would comply with the above policy context.
- 6.62 ***Housing provision***
Policy SD11 seeks an appropriate mix of dwelling sizes, types and tenures to contribute to mixed and balanced communities, and development to address the needs of the local areas set out in the local housing evidence base including the most up to date strategic housing market assessment. It also requires housing to meet and where possible exceed appropriate minimum space standards, and be accessible and adaptable as far as compatible with local context and other policies.
- 6.63 The application is for 34 1 beds, 19 2 beds, and 2 3beds, of which the affordable housing offer in the amended scheme is 5x1beds, 5x2beds, 1x3beds. The applicant has asserted that their proposed mix is to meet a certain need profile having regard for the sustainable location and trends towards city living. Given the highly sustainable site and the guidance to maximise densities in sustainable locations, it would not be suitable for housing in any event so the profile of units is influenced by flat types that the applicant considers sellable. Although it can be seen that the proposal errs more towards the smaller end of units the unit sizes are mixed through the scheme and are not one type all together which aids the policy aspiration for mixed and balanced communities, and there is no objection to this from the Housing Strategy team, who are happy with the proposed mix of affordable units that meets the Policy requirement of 20%.
- 6.64 Policy A6 of the City Plan sets out requirements to deliver accessible and adaptable homes. It requires 25% of units to be to Building Regulations requirement M4 (2) – accessible and adaptable dwellings (“Category 2”). The updated scheme now shows 14 M4(2) units, which meets the 25% policy level and should be secured by condition. On this basis, the Housing Strategy Team supports the application.
- 6.65 Policy A6 also requires 4% of the affordable housing component to be to Building Regulations requirement M4 (3) wheelchair user dwellings (“Category 3”). The amended application includes 1 unit as an M4(3) unit. This meets the policy level and should be secured by condition or the s106 agreement.

6.66 *National space standards*

The proposals have been amended and would now meet the space standards and comply with City Plan Policy F6.

Overall the application is considered to comply with the various housing provision policies.

6.67 **Residential amenity / environmental health**

The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life. It also requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.

6.68 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy SD14 also requires development to cause no unacceptable levels of pollution with respect to national and EU limit values. Policy C5 of the emerging City Plan requires major developments to demonstrate compliance with EU limit values and achieve national objectives for air pollutants. It also seeks to avoid building configurations that inhibit pollution dispersal, minimise public exposure to pollution sources, use green infrastructure to absorb pollutants, provide infrastructure that promotes transport modes with low air quality impacts, and control dust and emissions from construction operation and demolition. Furthermore Policy A1 of the City Plan includes criteria on the living conditions of neighbours and future residents.

6.69 ***Impacts of the buildings themselves***

The closest residential neighbours are those on Worcester Street, for which Block A is the nearest proposed building, and this forms most of the subsequent analysis. As mentioned above, the proposed plans show no levels changes; the assessment of impacts is made on this basis.

6.70 In terms of overshadowing the applicant has provided an overshadowing study which indicates that the development would not cause overshadowing of the upper floor parts of the neighbouring buildings until at least after 3pm (study presented for March/June/September at 3 points during the day). As there are no rear gardens here and commercial ground floors, there would be no harm caused in that regard and the impact for direct overshadowing to windows is shown to be limited, even if there were habitable rooms to rear. Light (rather than direct sunlight) to the rear windows is likely to be somewhat negatively affected given the proposed Block A would be taller than the existing building, however given the existing relationships to buildings I consider it unlikely that this would significantly worsen living conditions particularly where there is no clear evidence of habitable rooms affected. As such no objection is raised to the scheme in terms of potential overshadowing and light impacts to Worcester Street or Hare Lane car park properties.

6.71 *Worcester Street properties*

These are challenging relationships to assess for a number of reasons; the form of the neighbouring buildings varies, it is difficult to get clear views of these properties from the vicinity of the site, and no representations have been submitted by residents commenting or clarifying the internal arrangements of the neighbouring flats. The rear elevation and layout of the proposed Block A is relevant to the assessment of impact on all the properties here. Block A would be set back slightly further than the footprint of the existing building. It would have habitable rooms at all floors (notably 1st to 4th floor in terms of overlooking assessment), rear-facing towards these neighbouring properties, including balconies and terraces at the southern part. The rear/east elevation of Block A has been amended to slightly reduce the extent of windows in the revised scheme (two columns of formerly full windows are now high level windows only where they are into kitchens). Also the top floor side-on balcony now has a side panel which could somewhat reduce the prospect of overlooking from that part. This elevation would still however have both balconies and full windows to habitable rooms, most notably towards the southern part of the elevation where there are balconies with french doors to lounges and at the northern part where there are windows to lounges (the windows between are predominantly to bedrooms). From using the Council's mapping system record of properties, aerial views, comparing plans and visual assessment, the following appear to be the relationships that would arise in terms of impacts on privacy.

6.72 1C Worcester Street contains 6 flats. It is broadly opposite, from the rear of this building, to proposed Block A at a separation distance of approximately 14.5m to the upper floor face of the building with the windows, where there are rear windows at first and second floors. It would be the closest neighbour and it is challenging to gauge the exact nature of this impact with the information available. The existing outlook from these windows appears to be influenced by the presence of the building at 73-77 Northgate Street (between the site and this neighbour) and the existing site building. There is no rear amenity space to this neighbouring building. At the rear corner of proposed Block A there would be lounge windows and balconies, and bedroom and lounge windows across the remainder of that elevation. This would be a fairly close relationship, depending on whether the rear windows of 1C are to habitable rooms. That is not clear to me, and no objections have been received on this matter from residents over the course of two periods of consultation. Ultimately one can only make a judgement on the information available and I have nothing to evidence that a clear privacy issue would be caused through window-to-window contact to a habitable room or overlooking of a private amenity space that would represent unacceptable harm to living conditions and conflict with the policies on such matters. Similarly, as there is no private rear amenity space affected and no clear indication of harm to habitable rooms, I do not consider that there would be an unacceptable overbearing effect caused by the presence of the taller building adjacent.

6.73 3 Worcester Street appears to have a 2nd floor flat and possibly a first floor flat. It is broadly parallel with the middle of proposed Block A at a separation distance of approximately 18.5m to the upper floor face of the building where there are rear windows at first and second floors. It does not have rear amenity space. The parallel part of Block A would have habitable room windows at all floors. At this separation it is considered unlikely that significant harm would be caused from window to window intrusion and again there are no representations that identify the potential for this. On a similar basis I do not consider the scheme would cause significant overbearing impacts.

- 6.74 3-5 Worcester Street appears to have a flat. It would be broadly parallel with the northern part of proposed Block A at a separation distance of approximately 19.5m to the upper floor face of the building with the windows. Rear windows are at first and second floor. It does not have rear amenity space. The parallel part of Block A would have bedroom and living room windows through ground to 4th floor. Again at this separation it is considered unlikely that significant harm would be caused from window to window intrusion and again there are no representations that identify the potential for this, while on a similar basis I do not consider the scheme would cause significant overbearing impacts.
- 6.75 7 Worcester Street has been partly rebuilt and converted with flats at upper floors. It would be opposite the north-east corner of proposed Block A at a separation distance of approximately 14m (slightly off set) to the rear wall of the rear wing and 19.5m to the main rear wall. There are rear windows at first and second floor. The approved plans for the latest scheme at this property show the windows in the rear wing being to a stairwell and those in the main rear wall to bedrooms. There is a small rear yard for access but this does not appear to be used as an amenity area and would be significantly affected by the approved but unimplemented redevelopment scheme on the intervening plot. Block A would be slightly south of the alignment of no. 7, but the rear part of Block A would have living room windows at ground to 4th floor, and balconies farther away along its northern elevation. At this separation distance and with the slightly off set relationship, I do not consider significant harm would be caused from window to window intrusion and on a similar basis I do not consider the scheme would cause significant overbearing impact.
- 6.76 9 Worcester Street appears to have a flat over. It is sufficiently far north of Block A at a tight angle (around 24m), and sufficiently far from Block C (around 33m) at an angle and with buildings between that no significant impact on amenity would arise.
- 6.77 *Land rear of Worcester Street (corner of Hare Lane car park) with residential permission*
There is an extant permission for the plot behind 7 and 7a Worcester Street that has not been implemented but remains live (until March 2025 to commence). This plot can be seen in the corner of the Hare Lane car park adjacent to the delivery bay of the former retail unit. The permission is for a 3 storey building containing 4 flats. The building would be in close proximity to Block A at their nearest corners. Due to the orientation of the buildings and the layout and window positions of the adjacent approved scheme, there would be limited impact on the windows as a result of Block A being constructed; the adjacent scheme has a kitchen window at ground floor and a corridor window at first floor in the south facing elevation, farther over from the rear side of the application site. Block A would be angled towards this plot, slightly, but I do not consider that the resulting effect would be any significant intrusion on privacy from window-to window contact, nor significant impact on light or overbearing effect to these windows. Turning to the front/west facing windows of the adjacent scheme, these are angled away from, or sufficient farther north from Block A such that no significant impact would arise. They would face broadly across the site towards proposed Block C although there would be an intervening wall and bin store. Block C would have ground, first and second floor habitable windows and balconies in this section of the building broadly parallel with the front of the adjacent scheme at a separation of approximately 16 to 17m. The approved scheme has ground and first floor habitable rooms facing towards the site. Given the angle of relationship and separation it is not considered that there would be a significant adverse impact on privacy, nor a significant overbearing impact.
- 6.78 *Northgate Street and Hare Lane*
There do not appear to be residential units in the adjacent Northgate Street properties and no significant harm is envisaged for occupants of those commercial premises in amenity terms.

- 6.79 10 and 12 Hare Lane appear to be residential houses and have small rear yards that are significantly impacted by the existing building which wraps around to the rear and north side at a height well above the existing outbuildings. No comments have been received from occupants. The proposal would create an open area behind these properties so it would be likely to substantially improve on the overbearing impact of the existing building, and likely improve any overshadowing effect from the existing building in the morning also, while light to the rear of the properties could well also be improved.
- 6.80 In terms of overlooking, Block A at 5 storeys would be around 16m from the boundary (windows looking across the proposed courtyard towards nos. 10 and 12), 19m from their rear yards (if the existing outbuildings to the rear boundaries of 10 and 12 are kept) and around 23m from the rear of these neighbouring buildings themselves. At this proximity and given the size and arrangement of these neighbouring properties it is considered unlikely that significant harm to privacy would be caused.
- 6.81 Block B would also have rear windows generally facing these properties although largely at a more angled relationship. The block would be around 11m from the near boundary, 13m to the near rear yard and around 18.5m to the rear of the near property although there is another intervening building that would likely substantially screen views into the rear yards and rear windows. In this context it would be unlikely to cause significant harm to privacy from overlooking either.
- 6.82 *Raven Centre*
The use of this neighbouring property supports elderly persons and is not in residential use. The impacts here, and raised in representations, would appear to be mostly associated with the demolition and construction phase and a construction environmental management plan secured by condition would address the main planning issues of nuisance in that regard, which would similarly assist the potential impacts on 10 and 12 Hare Lane. The party wall act (outside of the planning system) may also control activities at the common boundary, although the applicant has now confirmed the buildings are not actually tied together so no listed building consent is needed.
- 6.83 *Kings School*
The School initially referred to possible impacts on the nearby parts of its complex so this has been analysed although the School has since confirmed the scheme doesn't give concern for safeguarding risks by overlooking. At the near corner is their music block. There are windows towards the site but given the use and the separation across the road no significant harms would arise. Behind the music block adjacent to Hare Lane is their 'Little Kings kindergarten'. There appears to be an open area used by the kindergarten between the music block and the kindergarten block. It is possible that there could be a direct line of sight, diagonally, between the upper floor units of the proposed Hare Lane block, and this part of the school, at a separation of around 40m, although there is a tree and the school perimeter wall between. Given the angle, separation and intervening land it is not considered that this would amount to significant harm through any prospect of overlooking.

6.84 ***Proposed lighting scheme***

A lighting scheme has been submitted. This amounts to a series of downlighters and pole-mounted fixtures within the proposed courtyard and to the north eastern parts around the corner of the Hare Lane car park and the right of access between buildings, and in this regard is considered beneficial for community safety. The light spread study does indicate that light spill would be fairly low at the position of the rear facing neighbouring windows, but in some areas elevated light levels would be caused such as to the corner plot with the unimplemented residential permission. The associated risk assessment sets out that the fixtures have been positioned to avoid locations directly in front of windows where possible but it is unclear whether this is solely considered for the proposed buildings in the scheme. While advantageous for safety, it is recommended that these details are not approved at this stage but subject to a condition to secure approval of a scheme that further evidences potential impacts on neighbours' amenity.

6.85 ***Removal of existing impact***

It seems likely that the existing retail business would cause some noise and disturbance notably through servicing from the rear off Hare Lane. This would be removed by implementing the proposed development and a benefit by removing any such disturbance could occur as a result.

6.86 ***Impacts of the building construction***

Given the nature of the proposed works and their proximity, the residents of properties in the vicinity could be affected by disturbance from construction, so hours of work and construction management conditions are recommended.

6.87 Overall, subject to conditions and in the context of the existing building and surroundings, the living conditions of occupants of existing neighbouring properties would not be significantly harmed.

6.88 ***Future residents of the development***

Noise and odour

These matters are considered relevant in the context of the city centre location and proximity of the site to the inner relief road, car parks, chip shop and public houses. The NPPF sets out that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It also advises that planning decisions should assume that pollution regimes operate effectively; the focus should be on whether the proposed development is an acceptable use of land, rather than control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. The 'agent of change' issue is considered relevant considering particularly the presence of public houses and take aways in the immediate vicinity which might otherwise be subject to complaints about disturbance after residents move in. The agent of change - the proposed residential development in this case - should be required to provide suitable mitigation if necessary. If the application demonstrates that noise issues would not be caused, or would be mitigated to acceptable levels, then complaints are not considered likely when looked at objectively and it is considered that the development would comply.

- 6.89 A noise survey was undertaken at the site in support of the scheme and the Council's consultant considers the assessment to be satisfactory. The assessment sets out that mitigation is needed within the buildings, but that standard double-glazed units would be sufficient, with alternative ventilation required, in order to achieve acceptable internal noise levels. It does also show that for balcony areas overlooking the front and rear of the development noise levels are likely to be above the upper limit in the British Standard although this recognizes that the guideline values are not achievable for balconies in all areas that are desirable for development and in high noise areas like city centres a compromise between elevated noise levels and convenience for living might be warranted. Balconies are considered desirable to provide residents with private external amenity space and have been approved in the locality in other developments. In this case providing some external space is considered desirable for the physical and mental health of future residents, and in the context of a scheme that has a shared internal courtyard proposed as well as alternative public spaces in the vicinity such as Kings Square and the Cathedral grounds available for residents to use, this is not objectionable overall.
- 6.90 In terms of plant associated with the proposed buildings there is no information currently on plant design but levels are proposed to result in low impact to residents so it is suggested these are secured by the usual condition on plant noise, which is recommended by the Council's consultant.
- 6.91 Due to the substantial existing building which covers the whole site currently it is difficult to be comprehensive about potential noise and odour impacts on future residents arising from neighbouring businesses (e.g. the chip shop and the public house). As the agent of change, the development proposal should resolve any issues in this regard rather than them becoming an issue for the businesses post-occupation. However the Council's consultant advises that these matters should not be in-principle problems, and suitable mitigation should be able to be incorporated into the building providing it is characterized by further surveys post-demolition, which would account for any plant/extraction, etc which was previously masked by the building. As these are not in-principle issues, this can be secured by conditions.
- 6.92 Subject to conditions, the proposal complies with the above policy context in terms of noise and odour.
- 6.93 *Air quality*
There are air quality management areas in the wider vicinity at Priory Road and at Barton Street. The proposal would also have a substantial demolition and construction phase, and would be in fairly close proximity to the inner relief road so this issue is considered to be relevant. An Air Quality Assessment has been submitted which sets out that there were no exceedences of the relevant air quality objectives for the last five years at the nearest test site, and Government data shows all background concentrations for the area are below the air quality objectives. As an effectively car-free scheme the associated vehicle-generated air quality impact is low. No specific measures are needed for future occupants and overall it is unlikely that pollutant concentrations within the site would exceed the relevant air quality strategy objective levels. Construction and demolition activities could cause some issues with dust especially given the close proximity of neighbours so mitigation measures are proposed and should be secured by condition

6.94 *Amenity space*

It is common for flat blocks to have no amenity space, although it is considered desirable for mental and physical health and has become a more accepted aspiration in recent years and the pandemic's effect on lifestyles. All proposed flats have a balcony, or terrace at ground floor and all have reasonable outlooks. Some ground floor units' views from certain windows are into the perimeter wall, or are single aspect, but a dedicated amenity space is provided to each, and all have reasonable outlook from living areas. Overall there is considered to be a reasonable provision of private amenity space for future residents of flats.

6.95 Overall, subject to conditions, the proposal complies with the above policy context in terms of amenity and environmental health considerations.

6.96 **Drainage and flood risk**

The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems. Policy E4 of the City Plan sets out a similar approach to making development safe, avoiding an increase in flood risk, the sequential and exception tests, requiring Sustainable Drainage Systems, incorporating climate change considerations, facilitating benefits to watercourses and floodplains, and maintaining a buffer strip for maintenance and ecology.

6.97 The site is in Flood Zone 1, the lowest risk, so there are no fluvial flood risk implications and the site is a sequentially preferable location for development. The proposal is categorised as a 'more vulnerable' use, which is compatible in flood zone 1.

6.98 In terms of surface water drainage, the existing site conditions are 100% impermeable and the system discharges to the public combined system. The proposals include an open green space centrally, and the drainage strategy includes an attenuation tank in the middle of the site with a restricted flow rate to the sewer. The drainage strategy has been amended to respond to the Drainage Officer's comments. The LLFA and Severn Trent also raise no in principle issues subject to detailed approval of the system by condition. Subject to securing this and a SuDS maintenance and management plan, under condition, the proposals comply with the above policy context for surface water and flood risk. In terms of provision for foul drainage, Severn Trent Water raises no objection in principle, subject to detailed approval of the system by condition.

6.99 Subject to conditions the proposal complies with the above policy context in terms of flood risk and drainage.

6.100 **Land contamination**

The NPPF requires decisions to enhance the environment by remediating and mitigating contaminated land where appropriate, and ensure that a site is suitable for the proposed use taking account of ground conditions and any risks, and that after remediation as a minimum the land should not be capable of being determined as contaminated land. Responsibility for securing a safe development rests with the developer/landowner. Policy SD14 of the JCS requires that development does not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate as appropriate the investigation and remediation of any contamination.

- 6.101 The area appears to have had an industrial/commercial past use and as the proposal is for a more sensitive end user, including open landscaped grounds, it is recommended that the standard tiered investigation and remediation condition is imposed. Overall subject to conditions the proposal would comply with the above policy context in terms of contamination.
- 6.102 **Ecology**
The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. City Plan Policy E1 requires the conservation of biodiversity and providing net gains, and Policy E6 restricts development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation where these effects cannot be mitigated. Policy E7 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows. Policy E3 requires development to contribute to the provision, protection and enhancement of the green/blue Infrastructure Network. Policy F4 covers measures to deal with gull roosting, nesting and damage.
- 6.103 The ecological impact assessment found no evidence of bats and the site was considered of negligible suitability. No other indications were found of other protected or notable species. Given the nature of the site no measures for habitat loss are necessary. With measures during demolition and construction and with ecological enhancement proposed, the scheme should avoid potential impact and cause no net loss of biodiversity; indeed with the net gain proposals it should enhance it. It is considered that a Construction Environmental Management Plan, timing of site clearance, a precautionary approach to building demolition, and provision of new roosting opportunities for bats, should be secured by condition.
- 6.104 **Biodiversity net gain**
Biodiversity net gain (BNG) is an approach that seeks to establish a measurable betterment of the natural environment from development proposals and there are now legislative provisions to secure it for new applications, however it was already emerging in policy during the course of this application and has been addressed. A 10% biodiversity net gain has been generally aspired to in the lead up to the legislation mandating this. Both the NPPF and City Plan Policy E1 require applications to provide net gain for biodiversity to enhance the natural environment.
- 6.105 The amended scheme includes a BNG report which sets out a net gain of +0.30 biodiversity units for area based habitats (+100%) through providing the grassland and trees, and +0.02 biodiversity units for linear (hedgerow) habitats (baseline is 0), which is a net gain in both respects, albeit modest and reflecting the poor ecological merits of the current site. As the scheme would lead to a 100% net gain in biodiversity units it more than meets the local policy and also exceeds the legislative standard. As such it is recommended that a landscape and habitat creation and management strategy is secured by condition to deliver this.

6.106 **Habitats regulations assessment (HRA)**

There is an internationally designated nature conservation site at the Cotswold Beechwoods Special Area of Conservation (SAC). Natural England has raised concerns about the impact of residential development within the City and the wider area on protected sites, notably through recreational pressures, and provides comments where the City Council assesses the effect of projects on these sites under Habitats Regulations Assessments. A Mitigation Strategy for the Beechwoods has been produced and provides the mitigation basis for applications via a per-unit payment system. Providing this is secured the HRA obligations are satisfied in relation to the Beechwoods site; the proposal would not cause significant effects to the designation characteristics of the European site. In addition there are other European sites in the wider area not covered by a bespoke mitigation strategy and these have been addressed in a shadow Habitats Regulations Assessment 'Appropriate Assessment', which has considered specifically the Severn Estuary and Alney Island, and Walmore Common, in addition to the Beechwoods. Other sites in the region were scoped out due to distance. This concludes that with the mitigation measures set out plus the financial contribution to the Beechwoods Strategy, the scheme would have no adverse impacts on the integrity of any of the European sites as a result of recreational pressures, air quality or water quality, and the City Council's ecology consultant has endorsed this, and Natural England agrees. As well as securing the Beechwoods contribution then, these mitigation measures, and the homeowner information pack recommended in addition by the Council's consultant, should be secured by condition. Subject to these, the scheme would have no adverse effect on the integrity of the European sites in the area.

6.107 **Gull nuisance**

The proposal is potentially susceptible to nuisance from gulls, notably there are several large flat-roofed buildings. It is considered that measures are needed to address this nuisance. It is recommended that details be secured by condition.

6.108 Subject to conditions and the s106 agreement, the proposal would comply with the above policy context in terms of ecology.

6.109 **Sustainability**

The NPPF supports the transition to a low carbon future and contributing to reductions in greenhouse gas emissions. Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability by increasing energy efficiency. Proposals will be expected to achieve national standards. Part G of the City Plan sets out at paragraph 4.7.6 that all applications will be expected to demonstrate that all reasonable techniques have been used to adapt to and mitigate the effects of climate change, and strongly encourages all applications to supply an Energy Statement. The Plan strongly encourages energy efficient measures. Policy G6 also requires water efficiency measures.

6.110 An energy strategy has been submitted which sets out that a minimum of 65% carbon emission reduction would be achieved for the flats, plus an 18% reduction in the retail unit. Measures include PV panes to the roof, air source heat pumps, energy efficient lighting, and thermal performance beyond Building Regulations minimum standards. The contribution of renewables to the energy demand of the development are welcomed. Policy SD3 requires proposals to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, and will be expected to meet national standards. On that basis, there would be no conflict with Policy SD3. Securing the measures by condition would ensure reasonable measures are utilised to mitigate climate change effects addressing the stronger City Plan aspiration. Water efficiency measures have been committed to by the applicant and can be secured by condition.

6.111 **Waste minimisation**

The NPPF sets out that sustainable development has an environmental objective that includes minimising waste. The saved Gloucestershire Waste Local Plan Policy 36 relates to waste minimisation and requires developments to include a scheme for sustainable management of waste generated from the scheme during construction and occupation.

6.112 The design and access statement sets out a brief waste minimisation statement and the Energy Statement says a site waste management plan will be developed setting targets. It is recommended that this should be firmed up once a contractor is appointed, and a further submission be required under condition to deliver these measures. Subject to securing the measures by condition, the proposal is considered to comply with the above policy context.

6.113 **Economic considerations**

The proposals would be likely to support economic growth and the NPPF gives significant weight to such benefits. Economic benefits that could arise from the scheme include from construction, directly and indirectly, and introduction of more economically active residents spending within the locality. The proposal would therefore have a significant 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 supports the case for granting permission. An employment and skills plan is required by the City Plan and it is recommended that this is secured by condition.

6.114 **S106 contributions, CIL and Viability**

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

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

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. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the Council's requirements for open space along with the open space SPD. This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12. Policy INF7 of the JCS sets out the approach to securing developer contributions, including that if there is a concern regarding development viability, a viability assessment will be required. The requests for S106 contributions arising from the proposal are set out below. Policy G8 of the City Plan sets out that where planning policies cannot immediately be met by a development due to exceptional circumstances, a review mechanism shall be imposed for phased developments to rigorously test the ability to be policy compliant over the lifetime of the project. This is equally supported in national policy.

6.115 Community Infrastructure Levy

The Community Infrastructure Levy Regulations set out that a planning obligation may not constitute a reason for granting permission if it provides for or funds infrastructure to be funded by CIL. The JCS partnership adopted their CIL in 2018. For 2024 the CIL rate for 11-449 dwellings is £53.25 per m². This is calculated in internal area and not including non-residential, and on the basis of this, and prior to applying any exemptions, reliefs or deductions CIL from this scheme would amount to around £230,000. CIL does not secure affordable housing or site-specific measures necessary to make a development acceptable. Requests for contributions listed below are made for affordable housing, public open space, education, libraries, Cotswold Beechwoods mitigation, establishment of a management company, and highways in relation to travel plan monitoring. Yearly Infrastructure Funding Statements include those schemes or infrastructure that the Council intends may be wholly or partly funded by CIL and currently includes predominantly highways projects (and not the specific highways-related measures above) and none of the requested contributions provide for or fund infrastructure to be funded by CIL.

6.116 Affordable housing

The JCS Policy SD12 level of affordable housing sought is 20% of the total, which is 11 units for the proposed scheme and the applicant has offered this as a mix of 5 1-beds, 5 2-beds and 1 3-bed. The offer meets the policy level and it is therefore considered that the application complies with the requirements of Policy SD12 subject to securing this by legal agreement. These proposed affordable housing obligations comply with the relevant tests, as securing the affordable housing provision is necessary to make the development acceptable in terms of maximising affordable housing provision, is directly related to the development being units on the site and for the future residents, and fairly and reasonably related in scale and kind in securing an amount on the policy percentage basis.

6.117 Education and libraries

Policy INF6 of the JCS refers to seeking appropriate infrastructure including community facilities, and early years and education. The NPPF acknowledges education as potential infrastructure required alongside development. The Infrastructure Funding Statement explicitly says that education requirements are not to be funded by CIL. The County Council has amended the calculation basis for their education requests recently following an earlier appeal decision. It appears that the calculations remain disputed by the development industry and there are complex arguments around the appropriate means by which to calculate how many children there would be from a given number of homes in a development and the capacity of local schools. However in a recent appeal decision in a neighbouring authority (October 2022) the Inspector concluded that while of interim status the County Council's current position statement was "sufficiently robust for the purposes of this appeal ... it seems to me the best and most up to date information available at the present time", and furthermore in relation to school capacity that the County Council's approach "I see no reason to depart from that approach". The County Council figures are therefore used in this report to state the education contribution requirement for this development.

6.118 The County Council has made the following requests for education and library contributions:

Education

Primary Education: £139,624.10 (to Gloucester Primary Schools <=2 miles travel distance. There is a demand for 7.7 places created, from 20 qualifying dwellings for education).

Secondary education (11-16): £80,835 (to Gloucester Secondary planning area. There is a demand for 3.4 places created, from 20 qualifying dwellings for education).

Secondary education (16-18): £28,530 (to Gloucester Secondary planning area. There is a demand for 1.2 places created, from 20 qualifying dwellings for education).

Education total : £248,989.10

The applicant agrees to the contribution.

Libraries

Contribution at the rate of £196 per dwelling = £10,780 total (to Gloucester Library, to improve customer access to services through refurbishment, stock, technology and increased services). The applicant agrees to the contribution.

These proposed education and libraries obligations comply with the relevant tests, as securing the provision is necessary to make the development acceptable in terms of providing supporting infrastructure to the new residents, is directly related to the development being provision for the future resident impact, and fairly and reasonably related in scale and kind in securing an amount on the multiplier and pupil yield calculation basis.

6.119 **Public open space**

The NPPF says that decisions should aim to achieve healthy, inclusive and safe places, and that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well being of communities. Policy INF6 of the JCS refers to seeking appropriate infrastructure including community and cultural facilities, health and well being facilities and sport, recreation and leisure facilities, and provision of green infrastructure including open space. Furthermore that permission will be granted only where sufficient provision has been made for infrastructure and services to meet the needs of new development and/or which are required to mitigate development impact on existing communities. Policy INF4 of the JCS sets out that where new residential development will create, or add to, a need for community facilities, it will be fully met as on-site provision and/or as an off-site contribution. Policy INF3 of the JCS refers to green infrastructure including allotments, and it requires that development contributes positively towards green infrastructure, and where new residential development will create or add to a need for publicly accessible green space this will be fully met in accordance with Policy INF4.

6.120 The development does not lend itself to on site adoptable, sports, or public play facilities, so the public open space request is £256,100 total comprised of; Play = £32,339; Sport = £179,945; General POS = £43,816. As there is no on-site provision to deduct, the full contribution amount is required and the applicant has agreed this. These obligations comply with the relevant tests, as securing the open space provision is necessary to make the development acceptable in terms of supporting infrastructure given the nature, quality and distance to existing provision in the area, is directly related to the development being at provision for the future residents, and fairly and reasonably related in scale and kind being calculated on a basis relating to future resident numbers.

6.121 **Highways**

A Travel Plan monitoring contribution is necessary of £5,000. The applicant has committed to Travel Plan monitoring.

A financial contribution to amending the traffic regulation order is necessary of £10,000, to alter the controlled parking zone in order to address on street parking issues. The application accepts this process is sought as the solution to the matter.

These contributions are necessary to make the development acceptable in highway safety and sustainable transport terms, are directly related to the development in terms of a bespoke Travel Plan and the street car parking impacts of future residents, and fairly related being a bespoke costed monitoring fee and the cost of the TRO process cited by the Highway Authority.

6.122 **Beechwoods contribution**

As above, the contribution to the Beechwoods mitigation is necessary to address the recreational impact of the development and satisfy the Habitats Regulations appropriate assessment. This currently equates to £673 per unit = £37,015. The applicant has not yet committed to this amount as they calculated it lower.

This contribution is necessary as it is the basis by which to establish no significant impact on the protected site, so it is to make the development acceptable in terms of recreational impact on a European site, is directly related to the development in terms of the potential impacts of future residents in accordance with Natural England's study, and fairly related being the amount concluded as necessary per unit pursuant to that study.

6.123 **Other matters raised in representations**

In terms of structural damage being caused to other buildings, and impacts on trade from the construction phase, the condition proposed to secure a Construction Environmental Management Plan (CEMP) is considered to be reasonable and sufficient means by which to limit impacts from the construction phase and is in line with the standard approach by the Council to such matters. Recourse for any damage to property would be a private matter between parties. In terms of impacts to residents of Cloister View who use the parking in proximity of the planned demolition, I am not aware of parking allocated to these properties. Presumably this refers to the public parking at Hare Lane car park. In my view, the submission of the CEMP and highways construction management details would reasonably control the impacts of this phase of the development, and outside of planning, the car park owner/operator would have control over allowing any construction works use of the car park.

6.124 **Legal agreement heads of terms**

In light of the above the heads of terms are as follows:

Affordable housing

Contribution of 11 units for affordable housing and measures to secure appropriate housing provision and control mechanisms. 1 affordable unit to be constructed to Building Regulations Part M4(3) standard.

Open space

Financial contribution of £256,100.

Education

Financial contribution of £248,989.10.

Libraries

Financial contribution of £10,780.

Travel Plan monitoring

Financial contribution of £5,000, plus associated bond.

Traffic Regulation Order

Financial contribution of £10,000.

Cotswold Beechwoods

Financial contribution of £37,015.

Management company

Formation of a management company for (but not limited to) waste/recycling collection arrangements and management and maintenance of communal areas.

Monitoring fee

6.125 **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The proposals have been assessed against development plan policies, guidance and legislation within this report.

6.126 Significant environmental, social and economic benefits would arise from the proposal, which is for appropriate uses at the site providing a good amount of housing, including affordable housing, on a highly sustainable site at a high density relative to constraints around heritage and scale, which would regenerate a prominent city centre site with a deteriorating building that has been vacant and in temporary use since the supermarket operator left, including introducing a small green space into a currently fully built-out site, as well as increasing economic and resident activity and improving natural surveillance in the area. Furthermore, being an application made in advance of the mandatory legislative requirement for 10% biodiversity net gain, it would also provide a biodiversity enhancement that weighs in favour of the application. It could also lead to the remediation of land. The proposals align with clearly stated government objectives in the NPPF, including the objective of significantly boosting housing delivery, and use of a brownfield site for homes (for which the NPPF gives substantial weight to the value of).

- 6.127 In terms of neutral effects, subject to conditions and s106 obligations the proposal would preserve highway safety, the amenities of local residents, flood risk, buried heritage assets, European protected sites in the wider area, and minimise its impacts on waste generation, drainage and the climate acceptably. It would also preserve the non designated heritage asset (mural) at the site.
- 6.128 In terms of potential disbenefits it would lead to the loss of retail floorspace in the primary shopping area (in the context of a much-changed retail environment) and an associated negative impact on the vitality and viability of the centre, which is somewhat mitigated by retention of a commercial presence on the main street. It would cause a very low level of 'less than substantial harm' to designated built heritage assets (which is concluded to outweighed by public benefits). Great weight has been given to the harm in the context of the policy requirements for this, and the legislative requirements of the Listed Buildings and Conservation Areas Act 1990 for listed buildings, their settings and Conservation Areas to be given the special level of consideration required. It is considered that the significant benefits of the scheme are overriding in this case.
- 6.129 Subject to conditions and completion of the legal agreement, the proposal is considered to be broadly consistent with the relevant policies and guidance and with the development plan and other material policy considerations. The proposal need not accord with every policy and it is not unusual for policies to pull in different directions. The limited plan policy conflicts in relation to retail and to preserving built heritage are considered to be outweighed by the benefits of the scheme. Overall when considering all of the relevant material considerations in the balance it is considered that the benefits of the proposal outweigh the disbenefits including the less than substantial harm to heritage assets and there are no NPPF policies that provide a clear reason for refusal. The requirements of the 1990 Listed Buildings and Conservation Areas Act for Conservation Areas and listed buildings and their settings are satisfied.
- 6.130 It is therefore considered that planning permission should be granted subject to conditions and s106 agreement/s.

7.0 **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

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

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

and;

the following conditions;

7.2 **Condition 1**

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

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

Condition 2

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. C

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.

Condition 3

The existing building at the site shall not be demolished before a contract (or equivalent proof of a binding commitment) for the **carrying out of works of redevelopment** of the site has been let and proof of such has been submitted to and approved in writing by the Local Planning Authority.

Reason

To preserve the character and appearance of the Conservation Area by ensuring that redevelopment takes place post-demolition.

Condition 4

Prior to any work being undertaken to demolish any part of the existing building a **demolition and construction method statement** detailing;

- the method of demolition including of detaching the building from adjoining buildings at all parts of the site;
- a structural assessment of the abutment between the existing building and the listed Raven Centre building on Hare Lane;
- measures to secure the safety and stability of all adjacent and adjoining buildings during the progress of demolition and construction;
- the specification of arrangements for vibration monitoring during demolition and construction, for identifying excessive vibration in relation to damage to the adjacent and adjoining buildings, and for remedial measures if excessive vibration is recorded; and
- a specification of the new building construction at its closest edge to the Raven Centre;

shall be submitted to and approved in writing by the Local Planning Authority The development shall be carried out only in accordance with the approved details.

Reason

To minimise the risk of damage to the existing buildings including those of listed special architectural or historic interest.

Condition 5

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the floorspace to the ground floor Northgate Street frontage hereby approved (shown in light blue on plan ref. Proposed ground floor plan ref. 19.077/011 Rev. C) shall be used for **uses** within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reason

To define the terms of this permission and control the use given the location within the City Centre and retail frontage, and proximity to residential premises.

DESIGN

Condition 6

Notwithstanding the submitted details, no works comprising the construction of a building above slab level shall take place until details of the construction of the following elements of that building (including cycle and refuse shelters and other associated structures to the residential accommodation), including specifications and samples of their appearance, as well as scaled elevations showing their use across that building, have been submitted to and approved in writing by the Local Planning Authority:

- Cladding, render, brickwork, signage panels, or other external **facing material** to walls;
- Roof materials;
- Window and door framing, including 1:5 scale details of the proposed glazed screen at the Northgate Street entrance;
- Rainwater goods;
- Meter boxes, piping and ductwork for utilities if external to the building;

Construction of a building above slab level shall take place only in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Areas and setting of listed buildings.

Condition 7

Notwithstanding the submitted plans, no **hard surfacing** shall be implemented until samples of the proposed hard surfacing facing materials and scaled drawings showing their use across the site have been submitted to and approved in writing by the Local Planning Authority. Hard surfacing shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Areas and setting of listed buildings.

Condition 8

Notwithstanding the submitted details, no new **boundary treatments** or means of enclosure (including those to terraces and balconies; to balcony perimeter and dividing screens between balconies; and including a revised gates design for the Northgate Street refuse store entrance to prevent unwanted access) shall be implemented until scaled drawings of their location, form and materials have been submitted to and approved in writing by the Local Planning Authority. Boundary treatments or means of enclosure shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Areas and setting of listed buildings.

Condition 9

Notwithstanding the submitted details, no **street furniture** shall be implemented until scaled drawings of their location, form and materials have been submitted to and approved in writing by the Local Planning Authority. Street furniture shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory appearance to the development and establish a good level of amenity for future occupants.

LANDSCAPING

Condition 10

Notwithstanding the submitted details, prior to commencement of any **planting**, details of soft landscaping including any tree planting, ground level planting, green roofs or wall climbers (comprising of a scaled layout plan, planting specification including with respect to trees the size of specimen at the time of planting, tree pit details and any below ground mechanism to accommodate trees alongside utilities and/or archaeology), shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

Condition 11

The approved soft landscaping details shall be carried out in full concurrently with the development and shall be completed no later than the first planting season following the completion of building works. The **planting shall be maintained** in accordance with the approved details for a period of 5 years following implementation of each phase. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to provide green infrastructure as a measure to avoid adverse effects on the integrity of European protected ecological sites.

Heritage

Condition 12

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

Reason

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

Condition 13

No development (other than demolition down to ground floor slab level, site securing, archaeological works and remediation works) shall commence within the application site until a detailed scheme showing the complete scope and arrangement of the proposed **foundation design** and ground works of the proposed development (including pile type and methodology, 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 14

No below ground demolition, remediation, removal of below ground structures or services, or new construction shall be undertaken 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 including any remediation.
- 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 15

All below ground demolition, remediation and construction shall **take place in accordance with the approved Written Scheme of Investigation** of archaeological remains. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 14, 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 16

The existing mural to the Hare Lane elevation of the existing building shall not be removed, nor any demolition of the existing building undertaken within 10m of the **mural**, until a Method Statement for the removal and storage of the mural has been submitted to and approved in writing by the Local Planning Authority. The details shall include provision for the mural removal to be undertaken by hand by specialists. Removal of the mural shall take place only in accordance with the approved details.

Reason

As committed to in the Heritage Statement and to protect and secure the future of this non designated heritage asset.

Condition 17

No above ground construction of Block B (the Northgate Street block) shall commence until a Method Statement for the installation of the **mural** (currently situated at the Hare Lane elevation) into that block has been submitted to and approved in writing by the Local Planning Authority. The details shall include provision for the mural relocation to be undertaken by hand by specialists, the proposed arrangement of the panels in the new location, and lighting to the proposed new mural display. The installation of the mural shall be completed in full in accordance with the approved details prior to the first occupation of a dwelling in Block B unless an alternative timetable for completion of installation is approved in writing by the Local Planning Authority in which case installation shall be undertaken in accordance with the alternative timetable.

Reason

As committed to in the Heritage Statement and to protect and secure the future of this non designated heritage asset.

Condition 18

Prior to first occupation of any unit within Block B (the Northgate Street block), details of interpretation material for the relocated **mural** shall be submitted to and approved in writing by the Local Planning Authority. These details shall comprise of (but are not limited to) scale drawings of the interpretation material and its location at the building, the content of

the interpretation material (text and any graphics, etc), and a timetable for installation of the interpretation material. The approved details shall thereafter be implemented in accordance with the approved timetable.

Reason

To provide interpretation of the significance of this relocated non designated heritage asset.

HOUSING

Condition 19

At least 25% of the dwellings within the development hereby approved shall be constructed to the standard set out at Approved Document M volume 1 part **M4(2)** of the Building Regulations (or the equivalent standard in any alternative or amended legislation as may cover the matter of accessible and adaptable dwellings).

Reason

To provide for accessible and adaptable dwellings.

Condition 20

All dwellings constructed as part of the development hereby approved shall comply with the Department for Communities and Local Government Technical Housing standards - **Nationally Described Space Standard 2015** (or the equivalent standard in any alternative or amended legislation or guidance as may cover the matter).

Reason

To achieve a good quality of housing accommodation for future residents.

AMENITY

Condition 21

Notwithstanding the details submitted with the application, **external lighting** shall be implemented at the site in accordance only with details to be submitted to and approved in writing by the Local Planning Authority in advance of installation. This shall include details of the proposed fixture locations on a scaled plan, details of the light fixture including any cowl or proposed angling of the fixture, a scaled plan showing light spill including the position of and giving consideration to the neighbouring properties, and a note from a qualified ecologist on its acceptability in terms of ecological impact.

Reason

To address community safety considerations in balance with possible impacts on residential amenity for existing residential occupants in neighbouring properties and the plot with unimplemented planning permission for residential use, and to preserve ecological interests.

Condition 22

No above ground construction of a building shall take place until an **odour assessment** report that includes the results of post-demolition surveys has been submitted to and approved in writing by the Local Planning Authority. The report shall identify any likely impacts of odour on the proposed development from existing commercial sources and demonstrate that the living conditions of future occupants would be to an acceptable

standard. The report shall include full details of any scheme of mitigation required to achieve this. Any approved scheme of mitigation for a given building shall be implemented in full to that building prior to first occupation of that building and maintained in perpetuity.

Reason

To protect the amenities of future occupants of the development.

Condition 23

No above ground construction of a building shall take place until an **acoustic report** that includes the results of post-demolition surveys has been submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the internal amenity standards of BS8233:2014 *Guidance on sound insulation and noise reduction for buildings (or any subsequent version)* can be achieved within the development. The report shall include full details of any scheme of mitigation required to achieve this. Any approved scheme of mitigation for a given building shall be implemented in full to that building prior to first occupation of that building and maintained in perpetuity.

Reason

To protect the amenities of future occupants of the development.

Condition 24

Prior to the commencement of above ground construction of a building details of the façade and glazing design, and alternative means of ventilation where necessary to achieve acceptable **internal noise standard**, for that building shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that internal noise level criteria in the submitted Noise Assessment (ref. 22-0794 V1.2) for residential use can be achieved. No residential unit for which measures are identified as required for its façade, glazing or other building component within the approved details shall be occupied until those measures have been implemented in full in relation to that unit.

Reason

To secure full details of the measures in the application and their implementation, to ensure acceptable living conditions for future occupants.
Typical details are likely to be sufficient for approval of grouped unit types.

Condition 25

The rating level of sound emitted from any **fixed plant** or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300, taken as a 15 minute LA90 at the nearest sound sensitive receptor and shall not exceed the background sound level between 2300-0700, taken as a 15 minute LA90 at the nearest sound sensitive receptor. All measurements shall be made in accordance with the methodology of BS 4142 (2014: Methods for rating and assessing industrial and commercial sound) or any national guidance updating or replacing that Standard. Where access to the nearest sound sensitive receptor property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive receptor property.

Reason

To safeguard the amenities of the area.

Condition 26

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

Reason

To safeguard the amenities of the area.

Condition 27

Prior to the commencement of any development (including works of demolition) a Construction (and demolition) Environmental Management Plan (**CEMP**) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- a. Site access/egress;
- b. Staff/contractor facilities and parking;
- c. Storage, loading and unloading areas for materials and plant;
- d. Dust mitigation measures;
- e. Noise and vibration mitigation measures;
- f. Measures to minimise disturbance to ecological assets.

Development shall take place only in accordance with the approved CEMP.

Reason

To protect the environment and ecological assets including avoiding adverse effects on the integrity of European protected sites.

These details are required pre-commencement due to the potential impacts of the first phase of works.

Condition 28

Prior to the occupation of any residential unit, details of measures to address **water efficiency** for that unit shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented to the unit prior to the occupation of that unit.

Reason

To address water efficiency. The submitted details shall aspire to the consumption of wholesome water per dwelling not exceeding 110 litres of water per person per day. Typical details for similar unit types will likely be sufficient, to deal with blocks/dwelling types concurrently.

Condition 29

Prior to the occupation of any residential unit, details of measures to provide a high speed, reliable full fibre **broadband connection** to the unit shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented to the unit prior to the occupation of that unit.

Reason

To support Government policy for all properties to have access to full fibre broadband by 2025 as set out in the City Plan. Typical details for similar unit types will likely be sufficient, to deal with blocks/dwelling types concurrently.

Condition 30

Prior to the occupation of any residential unit within the buildings respectively shown as Block A or Block B in the application, details of mitigation measures to help prevent suicide and **accidental falls** at that building shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented to the building in full prior to the occupation of any unit within that building.

Reason

To reduce the opportunities for suicide and falls as set out in the City Plan.

ECOLOGY

Condition 31

Prior to the commencement of any development (including demolition works) other than site securing or archaeological works, a scheme of **ecological mitigation** (comprising at least the measures set out in the submitted Ecological Impact Assessment) for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the approved ecological mitigation.

Reason

To preserve biodiversity.

This is required pre-commencement as the measures may be necessary to mitigate initial works of development.

Condition 32

Notwithstanding the submitted details, prior to first occupation of the development, a scheme for **biodiversity and landscape enhancement**, management and monitoring, including but not limited to incorporation of permanent bat roosting features, measures such as nesting opportunities for birds, and a planting scheme including species of value to wildlife, plans showing locations and extent of all habitats and wildlife features, a timetable of activities, a responsible person/organisation and method by which the protection of retained and created habitats and open spaces will be secured, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall in combination reach at least a value of +0.30 biodiversity units for area based habitats and +0.02 biodiversity units for linear (hedgerow) habitat in accordance with the biodiversity metric submitted with the application reports. The details of the scheme shall comprise but are not limited to:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
- iv. When the features or measures will be installed and made available.

The approved scheme shall be implemented concurrently with the development unless an alternative timescale is agreed in the scheme, and retained and maintained for their designed purpose, in accordance with the approved scheme.

Reason

To provide net gains for biodiversity.

Condition 33

An **information pack** setting out the sensitivities of the Cotswold Beechwoods Special Area of Conservation, Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar Site (and Alney Island Nature Reserve as a functionally linked area), and Walmore Common Special Protection Area, how to avoid negatively affecting them, alternative locations for recreational activities and off road cycling, and recommendations to dog owners for the times of year that dogs should be kept on a lead when using sensitive sites (i.e. to avoid disturbance to nesting birds) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any residential dwelling within the development and thereafter two copies of the approved information pack shall be issued to the new residential occupier prior to the first occupation of each respective new dwelling.

Reason

To mitigate adverse effects on the integrity of European protected ecological sites.

Condition 34

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

Reason

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

Condition 35

Building demolition and vegetation removal shall take place outside of the **bird nesting** season for species likely to be present at the site. If this cannot be achieved, a suitably qualified ecologist shall carry out a nesting bird check prior to work and supervise those works where required.

Reason

To protect biodiversity interests.

SUSTAINABILITY**Condition 36**

The **sustainability measures** set out in the Energy Statement and on the approved plans (solar panels to roofs) shall be implemented concurrently with the construction of the building to which they are applied, and shall be fully operational prior to the first occupation within that building unless an alternative timetable is agreed in writing in advance by the Local Planning Authority.

Reason

To ensure reasonable techniques are utilised to mitigate the effects of climate change.

CONTAMINATED LAND

Condition 37

No development that involves intrusive works to the ground or soft landscaping at ground level, (other than site securing, demolition, archaeological works or that required to be carried out as part of an approved scheme of **remediation**) shall commence until parts 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, which has first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with the Environment Agency's '*Land Contamination Risk Management*' (LCRM).

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation. Where undertaken on a phased basis the Remediation Scheme must specify measures to ensure that remediated phases continue to be protected from impacts from un-remediated phases.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development that involves intrusive works to the ground or soft landscaping at ground level other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (elsewhere referred to as a validation report) that demonstrates the

effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 above, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to and approved in writing by the Local Planning Authority in accordance with part 3 above.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an appropriate time period, and the provision of reports on the same, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is required prior to intrusive works because there is potential for contamination to exist on the site.

DRAINAGE

Condition 38

Notwithstanding the details submitted with the application, no development shall commence (other than site securing, demolition, archaeological works or remediation works) until a detailed design and timetable of implementation for the **surface water** drainage strategy presented in the Drainage Statement (22-0794 Rev 4) has been submitted to, and approved in writing by, the Local Planning Authority. The submitted strategy must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere, and should be amended / evidenced as follows:

- i) Percolation tests results shall be provided to demonstrate that infiltration is not viable.
- ii) Maintenance access to the cellular storage shall be provided.
- iii) The volumetric runoff coefficient in Microdrainage shall be set to 1.0

The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first occupied.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition 39

The development hereby approved shall not be occupied until a **SuDS management** and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason

To provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

Condition 40

No development shall commence (other than site securing, demolition, archaeological works or remediation works), until details for the disposal of **foul water** from all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme for each respective building shall be implemented in full prior to first occupation of that building.

Reason

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

WASTE MINIMISATION

Condition 41

No development shall commence other than site securing or archaeological works, until a **Waste Minimisation Statement** for the Demolition and Construction Period has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation Statement shall include details of the types and volumes of construction and demolition waste likely to be generated including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. The development shall be carried out in accordance with the approved Waste Minimisation Statement.

Reason

In the interests of waste minimisation. This is required pre-commencement given the impacts are likely to commence immediately upon development starting.

EMPLOYMENT

Condition 42

No development shall take place including any demolition, other than site securing or

archaeological works, until an **Employment and Skills Plan** has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved Plan, which shall remain in force for the demolition and construction period. The Employment and Skills Plan shall cover (but is not limited to) a variety of initiatives, including:

- Recruitment of local people
- Work trials and interview guarantees
- Pre-employment training
- Apprenticeships
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years)
- School, college and university site visits
- Construction Skills Certification Scheme (CSCS) Cards
- Supervisor training
- Leadership and management training
- Support with transport, childcare and work equipment
- In-house training schemes.

These initiatives shall be targeted at residents within a distance of the site to be agreed by the Local Planning Authority. The Local Planning Authority will utilise the Construction Industry Training Board (CITB) National Skills Academy for Construction (NSAfC) Client Based Approach (CBA) to determine outputs for the above initiatives.

Reason

In the interests of delivering local employment and skills training opportunities in accordance with Policy B1 of the Gloucester City Plan.

ACCESS AND HIGHWAYS

Condition 43

Pedestrian residential accesses to the development shall be arranged with a push-pad door at the internal exit door from the entrance **corridor/foyer into the interior of the site** (or such other measures to ensure ease of escape from the corridor/foyer as may be submitted to and approved in writing by the Local Planning Authority).

Reason

To deal with community safety in relation to residents being tailgated and trapped into an enclosed space.

Condition 44

Prior to the occupation of any building the **cycle and bin storage facilities** for that building shall be made available for use in accordance with the approved plans (subject to any additions/amendments to the cycle or bin storage approved under this condition), and those facilities shall be maintained for the lifetime of the development. The cycle stores for residential parts of the scheme in total shall provide for at least 78 cycles to be securely stored for residential occupants' use, and shall meet the standards set out at section 32 'Secure bicycle parking' of the Secured by Design Homes 2023 or such other guidance replacing this document with or without modification. Cycle storage for the building identified as Block B in the application shall include provision for staff of the commercial floorspace proposed.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up, and in the interests of the visual amenities of the area and avoid clutter on the highway.

Condition 45

No part of the development hereby approved shall be occupied until a **Travel Plan** has been submitted to and approved in writing to the Local Planning Authority that promotes sustainable forms of access to the development site. The submitted details shall use an accredited system and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved plan shall thereafter be implemented and updated in accordance with its terms.

Reason

To reduce vehicle movements and promote sustainable access.

Condition 46

No development shall commence, including any demolition works, until a **Construction Management Plan for highways** matters has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition and construction period. The plan shall provide for:

- 24 hour emergency contact number;
- Parking of vehicles 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/es to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- A highway condition survey;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles including a banksman if necessary;
- Booking system for deliveries, etc
- 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 during the demolition and construction phase of the development.

This is required pre-commencement given the impacts on the highway will commence immediately.

Condition 47

No part of the development shall be occupied until details of the rear (Hare Lane car park) **servicing and parking** area have been submitted and approved in writing by the Local

Planning Authority. No part of the development shall be occupied until these facilities have been implemented in accordance with the approved details and they shall be retained as such and for no other purpose for the life of the development.

Reason

To provide suitable servicing arrangements and parking provision for disabled persons.

Condition 48

Prior to the first occupation of a residential dwelling within the development, **electric vehicle charging** facilities shall be provided to the proposed disabled parking bays in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel and healthy communities.

Condition 49

No construction of the building set out in the application as Block B (Northgate Street block) shall commence until drawings of highway improvements works to the **footways** adjacent to the site to ensure 2m clear width minimum and re-arrangement of the existing street furniture have been submitted to and approved in writing by the Local Planning Authority. This building shall not be occupied until the works have been implemented in accordance with the approved details, unless an alternative timescale for implementation has been approved as part of the details in which case they shall be implemented to the approved alternative timescale.

Reason

To ensure the safe and free flow of highway users.

Informatives:

Legal agreement notes:

This permission is associated with a legal agreement with the City Council dated xxxxxxxxx.

This permission is associated with a legal agreement with the County Council dated xxxxxxxxx.

Highways notes:

Works on the Public Highway

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

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

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 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.

Travel Plan

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

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 CMP 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.

Electric Vehicle Charging Points

The specification of the charging points shall be provided in accordance with Building Regulations requirements.

Person to Contact: Adam Smith (396702)



