

**GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL**  
**DELEGATED DECISION REPORT**  
**APPLICATION NUMBER: 22/00755/FUL**

<b>Case Officer:</b>	Fiona Ristic
<b>Site Address:</b>	Land adjoining 19-21 Brunswick Road
<b>Proposal:</b>	Resubmission of a previously approved scheme for the redevelopment of vacant land, formerly used as a car park, comprising the erection of 8 No. apartments and a maisonette on land at the rear of 19 & 21 Brunswick Road,
<b>Expiry Date:</b>	07/11/2022
<b>Extension of Time Date:</b>	20/01/2023

**SITE HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
95/99901/HIST	P/438/62 – Change of use from residential to offices	Granted	04.09.1962
14/01258/JPA	Prior approval for change of use from offices (B1a) to flats (C3)	Approved	08.01.2015
15/00294/JPA	Prior approval for change of use from offices B1(a) to flats (C3)	Approved	28.04.2015
15/00774/FUL	Alterations to elevations	Granted	03.09.2015
15/01548/CONDIT	Scaled plans of window and door detail (condition 3 of planning permission 15/00774/FUL)	All discharged	16.12.2015
18/00993/FUL	Erection of 8 no. flats (Class C3) and 1 no. house of multiple occupation (Class C4) and associated works (amended plans)	Granted	23.10.2019

**PUBLICITY/CONSULTATIONS**

	Date Sent	Date Expires	Comments Received			Reply Received Date
			Objection	No Objection	Other Comment	
38 Neighbours			1			23/09/2022
Site Notice						
Press Notice						
Archaeology				/		26/09/2022
Highways				/		26/09/2022
Conservation Officer				/		04/10/2022
Civic Trust						
Flood Management					/	13/01/2023
Severn Trent				/		12/10/2022
Waste (bins)				/		05/10/2022
Tree Officer						
Env Health contaminated land				/		04/10/2022
Env health (noise)				/		23/09/2022

## REPRESENTATIONS

### 38 neighbours were consulted and site notice and press notice issued-

#### 1 letter was received with the following comments -

1. Overcrowding- too many people in too small a space.
2. Car parking - too many cars not enough spaces.
3. Social housing - 90% of St Michael's Square is some sort of social housing to the detriment of the neighbourhood, put it somewhere else as the houses are not maintained and slowly destroyed by the residents, police interactions or other emergency services are a weekly occurrence, anti social behaviour, noise, rubbish, intimidation and drug use is all rife in this once dignified and beautiful Square.
4. Infrastructure- these are old houses with Victorian foundations, what damage will be wreaked by modern building methods only 20 feet from our wall, lorries, machinery and construction?  
Let the land be returned to car parking for the local residents, it's the best use for such a small space.

*Response – The proposal meets the Nationally Described Space Standards and accords with policies in the Gloucester City Local Plan and the Joint Core Strategy (2017). The County Highways have not objected to the proposal on parking grounds. There is a mix of housing in the vicinity and the construction methods would be controlled by Building Control.*

## CONSULTATIONS

### Highways

- **No objection subject to conditions.**

The proposed development sits on an area previously destined for car parking purposes for numbers 19 and 21 when a commercial use was in place, however after a residential intent was brought to existence for these units, the use of the car park ceased to exist. Nonetheless, the area could still be brought to its original use and consequently serve numbers 19 and 21, and so, the parking demand for these units was taken in consideration when assessing the impact generated on the highway for the accommodation of parking for this proposal.

Further to a TRICS assessment intended to determine the above, it has been concluded this new proposal is unlikely to generate a significant increase of vehicles when taking in consideration the parking demand for the existing units. Numbers 19 and 21 are likely to generate on average 4 vehicles which are able to park in public car parks and parking bays located within close proximity

during hours 1900 to 2000 with a residential parking permit, and this new proposal is likely to increase this value by 3 vehicles which are subject to equal parking conditions.

The site is in a very sustainable location, with good access to public transport and all required amenities accessible within an acceptable walk or cycle distance. The existing walking, cycle and public transport infrastructure would therefore entirely support a 'car free' development in this location. In addition, the proposal also comprises the erection of 1no. cycle storage facility per residential unit which satisfies the requirements for a development of such scale.

Existing on-street parking restrictions would protect the sensitive parts of the network and prevent unsuitable parking. GCC have no concerns regarding impact to the highway network. It is considered that there would be no material change in terms of vehicular movements from the existing land use to that what is proposed under this application.

I have reviewed the latest personal injury collision data and can confirm that no incidents have been reported in the vicinity in the past 5 full years regarding incidents caused by vehicles parking on street. The existing area is not within a controlled parking zone, however the immediate area is controlled by way of a Traffic Regulation Order, double yellow lines this preventing inappropriate parking and protecting the sensitive parts of the highway network. Furthermore, areas of parking on street is at a first come, first serve basis.

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

Conditions 1 - The development hereby permitted shall not be occupied until the cycle/bin storage facilities have been made

2. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority.

3. The development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access as shown on the submitted approved plan

#### Informatives -

1. 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:
2. The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances.

#### **Drainage officer-**

The application site is located in flood zone 1 (Low probability of flooding). The Council's drainage officer required a drainage strategy and this has been provided. The Drainage officer analysed the drainage strategy and stated that it looks fine in principle although the applicant did not demonstrate how they've derived a discharge rate of 2 l/s for the site.

Overall, no objection as a suitably designed surface water management system can be achieved on site based on that presented to date.

The applicant needs to review and provide derivation of the proposed discharge rate. This could be done under condition.

## **Severn Trent -**

With Reference to the above planning application the company's observations regarding sewerage are as follows.

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

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

And an informative advising that there may be a public sewer located within the application site and that there is no guarantee that you would be able to build over or close to any Severn Trent sewers

**Conservation Officer-** The application site is located within the Eastgate and St Michaels Conservation Area, Brunswick Square is also protected by an Article 4 Direction, the proposal is for a previously approved scheme (18/00993/FUL) The scheme reflects the quality and character of the St Michaels Square and provided that there is no change to the quality of the design or materials the application can be supported.

The conditions attached to the previous consent should remain.

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

**Waste -** Maximum bin pulling distance from the bin store/collection point to the RCV is 10m. The RCV will have to park on the road at St Michaels Square to collect the waste facilities. The bin store will need coded locks on the doors for access to collect, suitably sized door openings for bins to pass through, the bin store floor level will need to align with the path to the RCV (to include dropped kerbs if needed). The path width from the bin store to the RCV will need to be wide enough for 1100 litre euro bins (bin dimensions in the Developers Guidance). The path from the bin store will need to align with the rear of the RCV. Please install no parking markings to create a bay at the kerb side edge on St Michaels Square road for the RCV to park in for collections, the RCV dimensions are in the developers guidance.

We will supply:

- 1 x 1100 litre refuse bin,
- 1 x 1100 litre paper/cardboard recycling bin,
- 1 x 1100 litre plastics/cans recycling bin,
- 1 x 360 litre recycling bin,
- 1 x 240 litre food waste recycling bin and food caddies.

Please build in some extra space into the bin store for additional recycling facilities, as residents improve their recycling habits additional recycling bins will be needed.

## **Environmental Health Noise-**

The submitted noise assessment appears satisfactory and predicts, that with the installation of suitable glazing and ventilation products, internal noise levels will be acceptable. When the applicant has decided which glazing and ventilation products will be installed they should confirm that the glazing and ventilation products meet the recommended sound insulation detailed within the submitted noise assessment for approval.

## **Environmental Health – Contamination**



We have looked at our record and documents submitted with the proposal, we recommend the following condition:-

1. Reporting of Unexpected Contamination

**Archaeology -**

This site was subject to archaeological evaluation in 2018. That investigation found evidence for Roman archaeological remains, including a well and a boundary feature. The site also has the potential to contain human remains, being within the general area of a large Roman cemetery.

In light of the above I would ask that the following conditions be attached to any permission, should you be minded to grant consent:

**SC45 Archaeological Written Scheme of Investigation- Submission of Details**

**SC46 Archaeological Written Scheme of Investigation- Implementation of Approved Scheme**

**SC48 Approval of foundations, services and other below-ground infrastructure**

These conditions would allow for the undertaking of a programme of archaeological work prior to, or during, the development. The scope and nature of which would be agreed in the context of the likely development impact.

The above is in accordance with paragraph 205 of the National Planning Policy Framework (2021).

**POLICIES AND GUIDANCE**

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

**National Guidance**

National Planning Policy Framework and Planning Practice Guidance

**Development Plan**

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

Relevant policies from the JCS include:

SP1 - The need for new development  
SP2 – Distribution of new development  
SD3 – Sustainable design and construction  
SD4 – Design requirements  
SD8 – Historic Environment  
SD9 – Biodiversity and geodiversity  
SD10 – Residential development  
SD11 – Housing mix and standards  
SD14 – Health and environmental quality  
INF1 –Transport network  
INF2 – Flood risk management

**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 213 of the NPPF provides that that due weight should be given to policies in existing plans according to their degree of consistency with the NPPF, the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

Therefore, it is considered that the 1983 Local Plan is out-of-date and superseded by more recent planning policy including the NPPF and the Joint Core Strategy.

## **Gloucester City Plan**

Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The examining Inspector's Final Report, with a schedule of Main Modifications that the Inspector considers necessary to make the plan sound in order that it can be adopted by the Council, was received on 9 November 2022. Though the plan remains an emerging plan until adoption, significant weight may be given to individual policies (with the recommended modifications) in accordance with paragraph 48 of the NPPF, which provides that weight may be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

Relevant policies from the emerging Gloucester City Plan include

- A1 – Effective and efficient use of land and buildings
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- E6 – Flooding, sustainable drainage, and wastewater
- F1 – Materials and finishes
- F6 – Nationally described space standards
- G1 – Sustainable transport

## **Other Planning Policy Documents**

### **Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. None of the development management policies are relevant to the consideration of this application. OR The following "day-to-day" 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.30a – Control of redevelopment in Conservation Areas

## **PLANNING OFFICERS APPRAISAL AND CONCLUSIONS**

### **Site Description and Proposal**

The application site is currently a disused parking area to the north-east of St. Michaels Square. It was previously used as parking for the corner building 19-21 Brunswick Road when the building was used as offices. There was a previously approved application at the site for the construction of new buildings at the site containing 8 flats (Class C3) and 1 no. 3 bed roomed house of multiple occupation (Class C4) and associated works. This proposal is for an identical layout, it is just changing the HMO to a maisonette. The new building would be 'L shaped' and 4 storeys along the frontage and 2 storeys on the return alongside the access road. There would be a small amenity

area between the existing flats and the proposed. This would contain the cycle storage. The bin storage would border the access road. There would be a brick wall with railings to separate the property from the road with planting behind the boundary treatment. The boundary with number 17 to the north-east would be close boarded fence with trellis above.

The application is within the Eastgate and St. Michael's Conservation Area and the area is largely residential, with some commercial (office) use. Number 19-21 Brunswick Road is a non-designated heritage asset. The building was converted into flats in 2015. The application site at the rear of 19-21 has been open space since the building containing 19-21 was constructed. It was firstly laid out as two rear gardens, then a car park area in the 1960's when the properties were amalgamated into offices. The Conservation Area Appraisal identifies the car park as a neutral space

### **Assessment of Proposal**

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. Section 70(2) of the Town and Country Planning Act 1990 provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is out-of-date.

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

- Principle
- Design, layout and landscaping
- Impact on the Conservation Area
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Archaeology
- Noise
- Protection of trees
- Contaminated land
- Economic considerations

### ***Principle***

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

At the time of writing, the Council is not able to demonstrate a 5 year housing land supply. For the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 8, the 'tilted balance' is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report. Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply.

As the site is located within the built up area of the city, the principle of development is considered acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report such as the impact on the Conservation Area, TPO trees and highways in the remaining sections of the report.

### ***Design, Layout and Landscaping***

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

During the previous application, the applicant liaised with both the Council's Urban Designer and Conservation Officer and responded to Civic Trust concerns to improve the design of the proposal and considering the historic detailing of number 19-21 Brunswick Road. The architect improved the wall to window relationship, looked at materials and lowered the ridgeline of the main building. The applicant also improved the screening between the application site and number 17 Brunswick Road with trellis above the boundary fence and softened the frontage with planting behind the railings.

Although the proposed extensions is still relatively tall, it is considered that these larger buildings are characteristic of St. Michael's Square as much as the smaller three storey residential properties. It is considered that the design enhances the Conservation Area and would be a harmonious design with the existing developments in the square. The proposal therefore complies with policies SD.4 and SD.8 of the JCS (2017)

### ***Impact on the Conservation Area***

Section 72 of the Listed Buildings and Conservation Areas Act places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas, The site is within the Eastgate and St. Michaels Conservation Area and 19-21 Brunswick Road is judged to be a non designated heritage asset. The design of the proposal reflects the character and proportions of number 19-21. The application site has been open space since the time of construction of 19-21 when it was firstly two gardens, before being transformed into a car park in the 1980's. the conservation area appraisal concludes that there are some gap sites where some form of development has the potential to improve the townscape. The design matches the building heights and continues features from the existing property. The mock Tudor gables reference 19-21 Brunswick Road as well as 14-20 St Michael's Square. The two storey side elevation is plainer, but the doorways and windows are the

same style as the main façade. The materials are key to a scheme like this and it is recommended that the materials palette is conditioned. It is therefore considered that the proposal would be an enhancement to the conservation area and would be consistent with Section 72 of the planning Act (1990), the requirements of the NPPF and Policy SD8 (Historic Environment of the Joint Core Strategy (2017)).

### ***Traffic and transport***

Paragraph 111 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

The proposed development would be located on a site which was previously used as a car park for the offices that occupied 19-21. It is noted that one of the comments made by the neighbour refers to the parking in the area and the number of cars. Although the land has never been used as a car park by the flats, the fact that it could be means that it has to be taken into account when assessing highway impacts. The County Highways Officer considers that 19 and 21 are likely to generate on average 4 vehicles which are able to park in public car parks and parking bays with a residential parking permit and this new proposal is likely to increase this by 3 vehicles. The County Highways officer has no objection to the proposal and considers that the cars could be accommodated on street or in nearby car parks. It is also considered that the site is easily accessible to central amenities and a variety of modes of transport. The proposal includes an enclosed and secure cycle store in the rear courtyard. The application therefore complies with policy INF.1 of the JCS (2017)

### ***Residential amenity***

Paragraph 130 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

The previous design was amended to improve the relationship with the neighbouring properties. The applicant increased the screening on the boundary with number 17 Brunswick Road. This minimizes any overlooking of the amenity space immediately to the rear of number 17. The land at the end of number 17 is used for car parking.

Within the site, the applicant has already inserted black glass in the windows of 19-21 that would attach to the new building. There is also a fence along the rear of 19-21 that prevents overlooking of the basement windows. The applicant has demonstrated in their daylight survey how the new mews style dwelling is low enough that it would not significantly affect light to the rear of 19-21. Within the site, it is acknowledged that the accommodation in the basement in particular would be below standard in terms of daylight, however there is some mitigation for this. The most affected room would be a bedroom and the likely pattern of use of that room would mean that the loss of light would not be unacceptable. The other affected room in the original building would be the basement lounge which has 2 windows on the elevation facing the new build two storey element. These windows are furthest away from the proposed 3 storey element facing St Michaels Square and the distance mitigates the impact. On balance it is considered that given the boundary fence which has already been constructed at the site, the light levels would not be poor enough to warrant a refusal of the scheme.



The proposed dwelling is only two storeys in heights and would face the flank side wall of number 1 St. Michaels Square. There are no windows in the side of number 1 so there would be no significant amenity issues in terms of overlooking.

It is therefore considered that with the proposed boundary treatments there would be no significant amenity issues and the proposal complies with policy SD.14 of the JCS (2017)

Consideration also needs to be given to the living environment which would be provided for any future occupiers of the proposed residential unit. Paragraph 130 (f) of the NPPF and policies SD4 and SD14 of the JCS, as referred to above, are relevant in this regard, as is Policy SD11 of the JCS which relates to "Housing Mix and Standards". In terms of housing standards, Policy SD11 specifies that:

1. New housing should meet and where possible exceed appropriate minimum space standards.
2. Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8

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

Furthermore, the City Plan pre- submission Housing Background Paper (September 2019), indicates the need for National space standards within the city. The data shows that the conversions sampled often fall below the NDSS. 66% of conversions were below the standard for internal floor area.

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

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

The floor areas for the proposed flats are –

Flat 1 – 1 B 1P – 42.1m <sup>2</sup>	min 39m <sup>2</sup>
Flat 2 – 1 B 1P – 45.7m <sup>2</sup>	min 39m <sup>2</sup>
Flat 3 – 1B 1P – 42.1m <sup>2</sup>	min 39m <sup>2</sup>
Flat 4 – 1B1P- 45.7m <sup>2</sup>	min 39m <sup>2</sup>
Flat 5 – 1B 1 P -41.1m <sup>2</sup>	min 39m <sup>2</sup>
Flat 6 – 1B 1 P – 44.4m <sup>2</sup>	min 39m <sup>2</sup>
Flat 7 – 1B 1P – 41.1m <sup>2</sup>	min 39m <sup>2</sup>
Flat 8 - 1B 1P – 44.4m <sup>2</sup>	min 39m <sup>2</sup>
Flat 9 – 3B 4 P – 84.3m <sup>2</sup>	min 84m <sup>2</sup>

All the proposed units meet the NDSS.



In terms of amenity for the new occupiers, the applicant has designed the scheme to have the bedrooms at the rear of the flats to minimize the impact of noise from the street. All the flats have windows to the habitable rooms and there is an amenity area and refuse area for the new flats. The proposal therefore complies with policy SD.14 of the JCS (2017)

### ***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.

The application site is located in flood zone 1, so there is minimal risk of flooding. However, the council's drainage engineer has been consulted on the scheme and stated that the application should be accompanied by a drainage proposal. That has now been submitted and considered in principle to be acceptable by the Council's drainage officer, but the applicant needs to submit some more information. It is requested that a condition on the permission asks for the submission of drainage details.

### ***Archaeology***

This site was subject to archaeological evaluation in 2018. That investigation found evidence for Roman archaeological remains, including a well and a boundary feature. The site also has the potential to contain human remains, being within the general area of a large Roman cemetery. Given the above, the Council's archaeologist has requested conditions on the permission.

### ***Noise***

The Council consulted Environmental Health and they have confirmed that the submitted noise assessment appears satisfactory and predicts, that with the installation of suitable glazing and ventilation products, internal noise levels will be acceptable. The glazing and ventilation products need to meet the recommended sound insulation detailed within the submitted noise assessment. This can be secured by condition. The proposal therefore complies with policy SD.14 of the JCS (2017)

### ***Protection of trees***

There are no trees on the site, but there are a row of lime trees at number 17 Brunswick Road along the boundary. There is a copper Beech tree (T2) on land outside the applicant's ownership in the access road. Tree works were approved to this tree in 2017 and the tree works implemented in the Autumn of 2017. The applicant confirms that the works will not encroach on the root protection zone, the tree officer examined the previous proposal and had no objection to the application as long as condition on the permission ensures that Section 6 of the Arboricultural report is implemented

### ***Contaminated land***

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

The contaminated land officer was consulted on the application and has no objection to the proposal, subject to a condition which requires reporting of unexpected contamination.

### ***Economic considerations***

The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some limited weight to the case for granting permission.

### ***Conclusion***

The application has been evaluated against the JCS, emerging Gloucester City Plan and the against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The provision of the new housing would contribute to the Council's ongoing requirement to demonstrate a five year supply of deliverable housing sites as well as creating social benefits. These benefits are modest given the scale of the development. There would also be some modest economic benefits arising from the proposal both during and post construction. The redevelopment of the site would enhance the character and appearance of the Conservation Area which is an environmental benefit in its own right and satisfies the statutory duty set out at S72 of the listed Buildings and conservation Areas Act.

Great consideration has also been given to the impact of the proposed development upon the existing flats already at the site. On balance it is considered that given the boundary fence which has already been constructed at the site, the light levels would not be poor enough to warrant refusal of the scheme. The proposal is therefore consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area, the proposal is acceptable and accordingly it is recommended that planning permission is granted.

### ***Human Rights Act***

In compiling the recommendation full consideration has been given to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the application no particular matters, warrant any different action to that recommended.

## **RECOMMENDATION**

Planning permission is **GRANTED** subject to the following conditions:

## **CONDITIONS AND REASONS**

### **Condition 1**

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

### **Reason**

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

### **Condition 2**

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers 10504-PL001A (existing elevations), PL003A (proposed floor plans), PL004A – proposed street scene, 22M (proposed first floor), proposed external wall detail, P22 (proposed first floor), P21 (proposed ground floor), P26 (north-east elevation), P27 (north-west elevation), P23 (second and third floor plan), P20 (proposed site plan), P28 (south-east courtyard elevation), P25 (south-east elevation), P24 (south-west elevation), P30 (stair section), P29 (proposed street elevation), Design and Access statement, Daylight and sunlight report, heritage statement, tree impact assessment and tree protection plan received September 13<sup>th</sup> 2022, 10504-PL002 rev B (proposed site plan) received 20/12/2022 and drainage strategy received 11/01/2023 except where these may be modified by any other conditions attached to this permission.

### **Reason**

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

### **Conditions 3**

The development hereby permitted shall not be occupied until the cycle/bin storage facilities have been made available for use in accordance with the submitted plan drawing no. PL002 – rev B and those facilities shall be maintained for the duration of the development.

### **Reason**

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 110 of the National Planning Policy Framework.

### **Condition 4**

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

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

### **Reason**

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

### **Condition 5**

The development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides

of the access as shown on the submitted approved plan drawing number P21 REV P. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

#### **Reason**

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

#### **Condition 6**

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

#### **Reason**

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

#### **Condition 7**

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

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

#### **Reason**

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

#### **Condition 8**

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

#### **Reason**

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

#### **Condition 9**

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

#### **Reason**

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

#### **Condition 10**

The glazing and ventilation products need to meet the recommended sound insulation detailed within the submitted noise assessment.

#### **Reason**

In the interest of the amenity of the residents in accordance with policy SD.14 of the JCS (2017)

#### **Condition 11**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

#### **Reason**

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



**Condition 12**

The tree works shall be carried out in accordance with section 6 and the tree protection plan contained within the BJ Unwin report (Arboricultural Method Statement)

**Reason**

To ensure adequate protection to existing trees which are to be retained, in the interest of the character and amenities of the area in accordance with policy SD.9 of the JCS (2017)

**Condition 13**

During the construction (including demolition and preparatory groundworks) phase no machinery shall be operated, no processed shall be carried out and no deliveries taken at or dispatched from the site outside the following times – Monday to Friday 8:00am 6:00pm, Saturday 8:00am-1:00pm nor at any time on Sundays, Bank or Public holidays.

**Reason**

To safeguard the amenities of the locality in accordance with policy SD.14 of the JCS (2017)

**Condition 14**

The development hereby permitted shall only be carried out in accordance with the 'Schedule of finishes' submitted with the application and in accordance with the roof slates, rainwater goods, lintels and cills, samples of which have first been made available on site and approved in writing by the Local Planning Authority

**Reason**

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

**Condition 15**

No work above ground floor level shall be carried out until a sample panel of the proposed new brickwork (measuring 1 square metre) has been constructed on site for inspection and approved in writing by the Local Planning Authority

**Reason**

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

**Condition 16**

All windows, doors or barge boards shall be installed in accordance with the drawings at a scale of 1:50 which have first been submitted to and approved in writing by the Local Planning Authority

**Reason**

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

**Condition 17**

All joinery shall be of painted timber in accordance with details of colours, which shall be selected from the specified palette for dwellings within St Michael's Square that are subject to the Article 4 direction, which have first been submitted to and approved in writing by the Local Planning Authority

**Reason**

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)



**Condition 18**

All rainwater goods to be of black metal

**Reason**

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

**Condition 19**

Detailed drawings at a scale of 1:50 of all moulding profiles to stringcourse, window and door reveals shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The development hereby permitted shall only be carried out in accordance with the detailed drawing so approved.

**Reason**

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

**Condition 20**

All window lintels shall be of natural red sandstone to match those on adjacent buildings within St Michael's Square, samples of which shall be made available on site for inspection and approved in writing by the Local Planning Authority

**Reason**

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

**Condition 21**

The proposed new railings to the principle elevation shall be installed in accordance with details at a scale of 1:50 of which have first been submitted to and approved in writing by the Local Planning Authority

**Reason**

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

**Note 1**

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

**Note 2**

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

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

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

**Note 3**

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

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

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

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

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

#### **Note 4**

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

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

#### **Note 5**

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

**16<sup>th</sup> January 2022**

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## **COMMENTS**

**DECISION: GRANT**

**Signed:**

**Dated:**