

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	05/12/2018
Address/Location:	GCH Development Garnalls Road Gloucester
Application No:	18/00813/FUL
Ward:	Matson & Robinswood
Expiry Date:	05/07/2018
Applicant:	Gloucester City Homes
Proposal:	Removal of condition 3 of planning permission reference 16/01583/FUL
Report by:	Shane Burgess
Appendices:	Site location plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is approximately 0.15 ha in size and lies to the south of the centre of Gloucester in the residential area of Matson. The site is bounded to the east by two storey semi-detached houses in Garnalls Road, terraced houses in St Peters Road to the South and three storey flats in Edward Massey Gardens to the north.
- 1.2 In 2017, under reference 16/01583/FUL, planning permission was granted for the construction of a three storey block of flats providing 15 flats for affordable rent, together with 21 car parking spaces. This consisted of 12 no. 2 bedroom flats and 3 no.1 bedroom flats. The application also granted permission for the upgrading of the open space immediately to the west of the site (new pathways a seating and BBQ area and additional tree and wildflower planting).
- 1.3 The development is currently under construction and is nearing completion. Handover to the tenants is anticipated in mid-December. All pre-commencement conditions relating to the development have been discharged.
- 1.4 This application seeks planning permission to remove condition 3 of the original application (16/01583/FUL) which states that the 15 dwellings shall be provided as affordable units for Rent to Buy Tenure. The removed condition would be replaced with a section 106 agreement to secure the units as affordable rent units as opposed to rent to buy units.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
16/01583/FUL	Construction of 12 no. two bedroom flats and 3no. one bedroom flats and the provision of 21 no. parking spaces with associated hard and soft landscaping.	G3Y	14.06.2017
17/00915/CONDIT	Discharge of Condition Nos 4 (Archaeology) ,5 (Drainage) and 6 (Construction Method Statement) on Planning Permission Ref: 16/01583/FUL	ALDIS	13.11.2017
17/01296/CONDIT	Discharge of conditions 7, 8, 9, 10, 12,	ALDIS	17.04.2018

T	13, 14 & 15 of application 16/01583/FUL		
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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 11 December 2017)

Relevant policies from the JCS 2017 include:

- SP1 – The need for new development
- SP2 – Distribution of new development
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD6 – Landscape
- SD8 – Historic Environment
- SD9 – Biodiversity and geodiversity
- SD10 – Residential development
- SD11 – Housing mix and standards
- SD12 – Affordable Housing
- SD14 – Health and environmental quality
- INF1 – Transport network
- INF2 – Flood risk management
- INF7 – Developer contributions

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

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF sets out that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Emerging Development Plan**

Gloucester City Plan

The 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 Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. 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:

- OS.2 – Public Open Space Standard for New Residential Development

OS.3 – New housing and open space

- 3.7 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

Housing Officer

Gloucester City Homes are seeking to change the tenure of the development from Rent to Home Buy to Affordable Rent. The demand for affordable rented accommodation is acute, reflected in homeless presentations to the Council and numbers on the Housing Register; so the change in tenure that will assist in meeting these priority housing needs is to be welcomed. Gloucester City Homes and other providers continue to provide Affordable Home Ownership homes across the City that provides another option for household unable to access the open market.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 2No. Site notices were published in the vicinity of the site on 19/11/2018. A Press notice was published on 20/11/2018 and letters to 48No. neighbouring occupants were sent out on 20/11/2018.
- 5.2 The overall consultation period expires on 13/12/2018. No letters of representation were received at the time of writing this report and an update will be provided at Committee should any be received prior to the meeting.
- 5.3 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 *Legislative background*

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

- 6.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. This cannot be used to vary the time limit for implementation; this condition must remain unchanged from the original permission. The new permission will repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 6.3 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.

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

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

6.6 **Affordable Housing Provision**

A change from affordable units for rent to buy to affordable rent units would be welcomed. The Strategic Housing Officer advises that the demand for affordable rented accommodation is acute, reflected in homeless presentations to the Council and numbers on the Housing Register; so the change in tenure that would assist in meeting these priority housing needs is to be welcomed. The proposal provides another option for household unable to access the open market and would ensure that housing will remain at an affordable price for future eligible households, through Gloucester City Homes Home-seeker system. Furthermore by removing condition 3 of the permission and replacing it with a section 106 agreement Gloucester City Council and Gloucester City Homes would be able ensure the agreement of future lettings.

6.7 **Conclusion**

The principal of the development of this site for 15 flats, 21 car parking spaces and for the upgrading of the open space to the west of the site was established by the granting of planning permission under application 16/01583/FUL.

6.8 This application only seeks to remove condition 3 of that application to affordable units for rent to buy and replace it with a section 106 agreement securing the 15 flats as affordable rent units. This would be a welcome change that would ensure housing will remain at an affordable price for future eligible households. The change in tenure would contribute to addressing priority housing need in the city.

6.9 The proposal is therefore considered acceptable in accordance with the principles outlined in the NPPF and the relevant policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That delegated authority is granted to the City Council Technical Planning Manager to grant planning permission subject to:

- 1) No objections specifically related to the removal of condition 3 of planning permission 16/01583/FUL being received before the expiry of the consultation period.
- 2) The completion of a legal agreement securing the properties as affordable rent units in perpetuity.
- 3) and subject to the following conditions, repeated from the original planning permission;

Condition 1

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers 5277/P/28 and 5277/P/29 received by the Local Planning Authority on 21st December 2016 and 5277/P/10 Rev B, 5277/P/27 Rev B and 5277/P/71 Rev B received on 20th April 2017 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 and in accordance with policies contained within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 2

The development shall be carried out in accordance with the drainage strategy Ref: 16133. D100 and the drainage maintenance and management strategy as detailed in drawings numbered 16133-103 Revision A and 16133-104. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with sustainable objectives of Gloucester City Council and Central Government and policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 3

The development shall be carried out in accordance with the Aqua Construction Ltd construction method statement entitled 'Discharge of Planning Condition No.6 Construction Method Statement'.

Reason

To ensure that appropriate measures remain in place during the construction of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with the National Planning Policy Framework and to safeguard residential amenity and prevent pollution in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 4

The development shall be carried out in accordance with the street light locations as identified on drawing numbered 5705/W/10C.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 5

The development shall be carried out in accordance with the External Materials Schedule as detailed in drawings numbered 5705-W-5000.

Reason

To ensure the satisfactory appearance of the development hereby approved and in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 6

The development shall be carried out in accordance with the details of boundary treatment as identified on drawings numbered 5705/W/10 Rev D and 16133-SK101.

Reason

To ensure that adequate protection is provided to neighbouring properties in the interests of residential amenity and to ensure dwellings have satisfactory protection and privacy in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 7

The development shall be carried out in accordance with the landscaping scheme as identified on drawings numbered 5705-W-10A, 5705-W-3501, and 5705-W-3502 and 5705-W-3500 A.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policies SD14 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 8

The landscaping scheme approved under condition 10 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded 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 and to preserve and enhance the quality of the environment in accordance with Policies SD14 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 9

The development shall be carried out in accordance with the scheme for hard surfaces as detailed on drawing numbered 5705/W/10C.

In the interests of the character and appearance of the area, having regard to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 10

The development shall be carried out in accordance with the details for cycle and bin storage as detailed in drawings numbered 5705-W10A, 5705-W-1010A and 5705-W-1012. The development shall not be occupied until the works have been implemented in accordance with the approved details and the cycle and bin storage shall be retained as such for the lifetime of the development.

Reason

To safeguard the general amenity of the area and to accord with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 and to ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 11

The development shall be carried out in accordance with the scheme for lighting as identified on drawings entitled 'Data sheet: BT14E Series Issue: BAAUGVOL1' and 'Data Sheet: BT14EM, BT14DEM.

Reason

To safeguard local amenities in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 12

The development shall be carried out in accordance with the details for fire hydrants as referenced within the email referenced 'Edward Massey Fire Hydrants' email dated 20/06/2017 (Received by the local authority on 17/11/2017).

Reason

To safeguard local amenities in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 13

The building hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan no 5277/P/10 Rev B, and those facilities shall be maintained available for those purposes for the lifetime of the development.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 14

During the construction and demolition phase (including ground works) no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 08.00hrs - 18.00hrs, Saturday 08.00 hrs - 13.00hrs nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Notes:

1. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
2. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure
3. 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.
4. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Person to Contact: Shane Burgess (396822)

Planning Application: | 18/00813/FUL

Address: | GCH Development Garnalls
Road Gloucester

Committee Date: | 05/12/2018

