

**Joann Meneaud**  
**Principal Planning Officer**  
**Gloucester City Council**  
**Shire Hall**  
**Westgate Street**  
**Gloucester**  
**GL1 2TG**

Dear Joann,

**RE: PLANNING APPLICATION REF: 18/100852/FUL – SUPPORTED LIVING ACCOMODATION AT KINGSWAY LOCAL CENTRE**

In advance of the originally planned determination of this application at Gloucester City Council's Development Control Committee on 6<sup>th</sup> July 2021, objections to the application have been submitted via the Local Planning Authority's planning portal. The purpose of this letter is to provide clarity in respect of matters raised by members of the local area, including those from the Town/Parish Council and Enchanting Nursery.

**HOUSING NEED, CARE PROVISION & SAFEGUARDING**

The amendments to the application submitted in November 2020 were supported by a suite of information provided by the Gloucestershire County Council Care Commissioning Hub. This confirmed that there are 122 individuals with mental health disabilities that require new accommodation in the Gloucestershire County to cater for their needs as part of the recommissioning of the Supported Accommodation Mental Health service.

The Gloucestershire County Council Care Commissioning Group's preference is for these individuals to be located in the Gloucester suburbs away from the City Centre but with excellent access to the local amenities in a property of between 15-25 units. The Care Commissioning Group have visited the site and consider that this site is an excellent location for one of these properties and they therefore fully support this application.

The accommodation proposed will be 100% affordable and will be provided as Affordable Rented housing. Funding has been obtained in principle from Homes England via Advance, a Housing Association Registered Provider which owns and manages a number of properties across Gloucestershire. In the Regulator of Social Housing's latest Assessment, Advance were awarded the highest rating in Governance of G1 and the highest rating in Financial Viability of V1. In short, they are a highly professional body delivering a critical, much needed service.

The level of care provided for the intended occupiers of the proposal per week. The majority of occupiers (65%) will receive 8.5 hours of care. Further detail in respect of Advance and their management development is contained within Appendix 1.

Further information was provided by the Commissioning Group prior to the original public Committee meeting of 6<sup>th</sup> July, which set out the following:

- The supported living proposed is required to meet the evidenced housing needs of individuals who have been living in outdated, unfit-for purpose, substandard accommodation which is impacting upon their physical health and limiting their independence;
- These individuals have varying levels of care and support requirements and they have all been effectively supported in their current accommodation, in some cases for over 30 years. These individuals are valued members of their community with no reports of any anti-social behaviour;
- Each individual that moves into Kingsway will have a robust risk management plan and a person-centred recovery/support plan;
- For any individuals within the proposed cohort that have an offending history, there will be restrictions on where they can live in the community. For some individuals this will include restrictions relating to schools, nurseries and parks and they therefore would not be suitable to be housed at Kingsway;
- The individuals that the Kingsway Development is intended for have positive long-standing professional relationships with the Mental Health Social Work Team who will support them to move into Kingsway and settle into their new home;
- This will be achieved in partnership with the Housing Provider, Advance Housing, and the care provider, to make the transition into their new home as smooth as possible;
- As part of the Commissioning Group's due diligence in providing support for this model of development, they visited eight local supported living homes in which Advance are the housing provider. They found the homes to be well kept and maintained and were impressed with the overall standards of the properties.

The applicant has agreed the following set of Heads of Terms with the Local Planning Authority which will be secured via Section 106 Agreement in the event that Committee resolve to grant planning permission:

- Continued use of the proposed development as supported living accommodation;
- Control/involvement over nomination rights;
- Transfer to another registered provider; &
- Care provider to be part of a County framework.

These Heads of Terms will ensure that the proposed development is secured as supported living, affords the Council control over the occupation of the proposed development, obligates the handover of the development upon completion to a highly reputable Registered Provider (Advance) and will secure the provision of care to future occupiers by an experienced provider who is part of the established County Framework.

## SITE HISTORY & PARKING PROVISION

The site has an extensive and complicated planning history in relation to the delivery of the Local Centre and any associated parking provision, which is summarised below:

### 00/00749/OUT

Outline permission for the redevelopment of the site was granted on appeal by the Secretary of State on 26th June 2003 following a public inquiry in September and October 2001. The permission was subject to 63 conditions.

### 09/00053/REM

Construction of part of local centre including the erection of a food store, 15 retail units and 2 cafe/restaurant units with parking, drainage and landscaping. Approved August 2009

### 09/01370/FUL

Variation of conditions 2,3,4,5,6,8,9,10,11, and 12 attached to planning approval ref : 09/00053/REM to allow for the phased construction of part of Local Centre at Kingsway. Approved March 2010

### 10/00379/FUL

Variation of Condition 10 of Planning Approval 09/00053/REM to allow the provision of car parking to the Local Centre on a phased basis. Approved May 2010

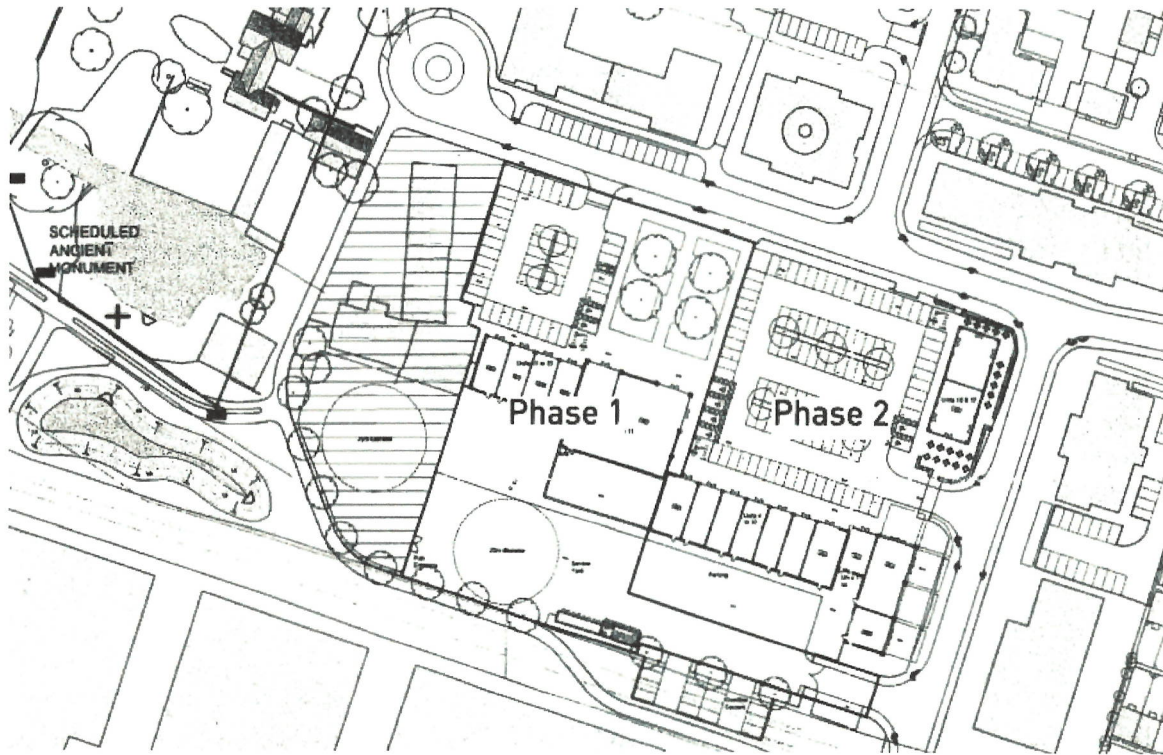
### 13/00479/REM

Reserved Matters approval for erection of a single storey building containing 11 retail units together with layout of service yard, parking and provision of drainage, comprising Phase 2 of the retail element of the local centre. Approved September 2013.

In summary, it was initially envisaged that the Local Centre uses (i.e. the retail uses) as required to be delivered by the Outline permission would be provided in a single phase along with associated works including parking provision, in accordance with planning permission ref: 09/00053/REM.

This approach was subsequently amended, with the Local Centre to be delivered in two separate phases in accordance with application ref: 09/01370/FUL, as shown overleaf:



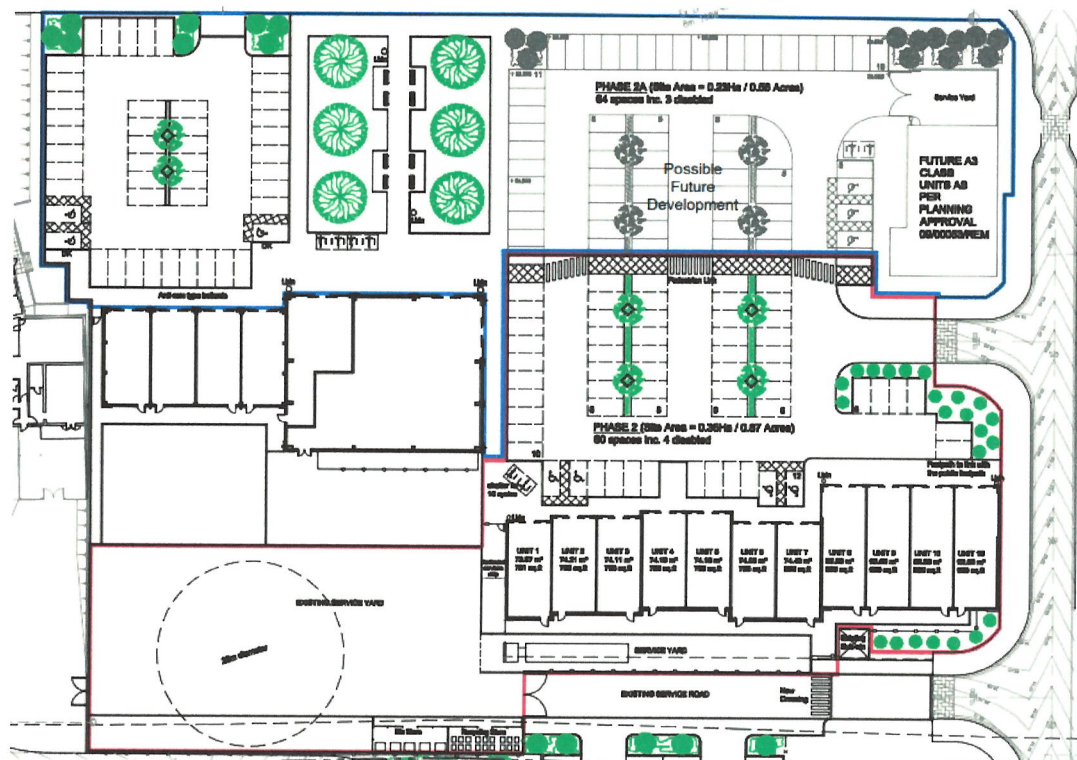


This proposed variation was supported by both the Local Planning Authority and the Highway Authority, with planning permission issued under delegated powers.

A further variation application (10/00379/FUL) was also subsequently approved via delegated powers to enable the provision of a greater level of car parking to Phase 1 of the Local Centre, with additional spaces located within the rear servicing yard. In approving both the initial application and the subsequent 'phasing' variations, both the Local Planning Authority and Highways Authority were satisfied with the level of car parking provided.

Indeed, this is recognised within the Officer Report to ref 10/00379/FUL, with the Officer Report outlining that the purpose of the 2010 application was to ensure that sufficient parking was provided within the first phase of the Local Centre. Phase 1 of the Local Centre development was subsequently built-out in circa 2011 with the provision of parking spaces to the frontage and further provision within the rear service area, reserved for staff, totalling 62 No spaces.

A revised approach to the development of Phase 2 of the Local Centre was subsequently submitted for consideration in 2013. This application expressly precluded the land subject to the subject 'assisted living' proposal, earmarking it as 'Phase 2A' and an area for 'possible future development' as shown on the approved proposed Site Plan (overleaf).



Phase 2 - Parking Standards  
 Building footprint = 982m<sup>2</sup>  
 Use Class = A1 / A2 / A5  
 @ 1/25 = 39 spaces  
 @ 1/120 = 8 cycles

As the parking is communal, for use of all phases including the public house, 60 spaces and a shelter for 10 cycles has been provided on Phase 2.

The design and layout of Phase 2 was amended so as to enable the provision of a greater number of parking spaces within the phase, as is acknowledged in the Committee Report:

- 6.6 *It was originally proposed that this second phase of units would be built up to the now occupied Tesco unit, however it is now proposed that the units are freestanding and set away from the Tesco unit and about 9 metres further to the south. This allows for some additional parking to the front and reduces the amount of space within the rear servicing yard.*

The revised approach to Phase 2 of the Local Centre proposed 11 No. individual retail units along with associated works, including parking provision. In total, 60 No. parking spaces are provided, with the aforementioned Site Plan providing a breakdown of the parking provision based upon the cumulative size of the 11 No. proposed retail units.

For the avoidance of doubt, when applying the parking standards at that time, based upon the cumulative floorspace of the 11 No. retail units proposed, which totalled 982m<sup>2</sup>, the level of parking provision required 39 No. spaces. However, as the parking area was intended to be communal for both phases of the Local Centre (as referenced on the approved Site Plan), the application proposed 60 No. spaces.

This was recognised within Highways Authority consultation response to the application, which stated that:

*The level of car parking appears appropriate for the intended shared use of the Local Centre.*



The application was recommended for approval by the Local Planning Authority and approved by members at Development Control Committee. Phase 2 of the Local Centre has subsequently been built-out pursuant to planning permission ref: 13/00479/REM, subject to a non-material amendment application which amalgamated Units 8 and 9 as one unit with associated alterations to the shop front and rear elevation. No applications for the delivery of 'Phase 2a' have been submitted to the Local Planning Approval since Phase 2 of the Local Centre was either consented or completed.

The delivery of Phases 1 and 2 of the Local Centre cumulatively provides 122 No. parking spaces. A further 14 No. spaces have also been delivered which service the wider Local Centre to the south of the Community Centre (application ref: 11/00206/REM). This brings the total amount of accessible parking spaces within the Local Centre to 136 No.

The Place of Worship adjacent to the Community Centre and immediately opposite the subject site also provides 9 No. dedicated spaces for its future intended users when completed. This level of dedicated parking provision was again supported by the Highways Authority.

Therefore, in considering the extensive planning history of the site and the locality, the Local Planning Authority and Highways Authority have confirmed that the level of parking provision within both Phases 1 and 2 of the Local Centre provides:

- a) Appropriate levels of car parking for the retail uses alone; &
- b) Appropriate levels of provision to service the wider Local Centre.

Fundamentally, it is imperative to recognise that the proposed supported living development will not give rise to the loss of any of the existing 136 No. parking spaces within the Local Centre. The proposal incorporates 18 No. dedicated car parking spaces (inclusive of 3 No. disabled spaces) for sole use by occupiers of the development and staff together with an ambulance space. The level of dedicated car-parking provision is based upon local Census data as per the approach set out within NPPF paragraph 105, which is the approach to be taken in considering that Gloucester City Council no longer have adopted parking standards.

This level of on-site provision is confirmed to be appropriate by the Highways Authority, who reviewed the relevant Census data, in their consultation response which is detailed within the Committee Report for 6<sup>th</sup> July 2021. The consultation response recommends a suite of highway related conditions which the applicant has confirmed their agreement to, in the event that planning permission is granted. These conditions relate to:

- a) Provision of appropriate visibility splays prior to occupation of the development;
- b) Completion of site access, parking provision and turning areas prior to occupation;
- c) Provision of pedestrian corridor from the parking bays linking to the main building prior to occupation;
- d) Provision of cycle parking prior to occupation;
- e) Provision of electric charging points prior to occupation

f) Approval of a Construction Environmental Management Plan;

These conditions will ensure that the access and required visibility splay to the site is provided prior to any occupation of the building and that the on-site dedicated parking provision is also delivered prior to any occupation of the building.

Summary

Ultimately, the planning application is appropriate in transport and highway terms as is confirmed in writing by the Highways Authority. The consideration of the application in terms of parking and highways must be restricted to an assessment of the proposal itself, as it is not reliant upon the existing parking provision within the wider Local Centre to service and support the development.

As this overview of the development of the Local Centre has set out:

- a) The site as currently exists does not provide any form of car parking to the Local Centre. Therefore, it cannot be legitimately argued that there is any loss of parking as result of the application.
- b) There is no obligation or express requirement for any future development within the Local Centre area to provide parking to cater for the local centre and surrounding uses.
- c) The originally proposed car park and licensed restaurant/takeaway for the subject site was approved in 2009 and amended to be delivered on a phased basis as 'Phase 2' of the Local Centre in 2010. In the eleven preceding years since this approval, no application to deliver 'Phase 2' to include the subject site has come forward owing to a lack of market interest.
- d) Instead, a revised approach to the delivery of 'Phase 2' of the Local Centre was proposed. This application explicitly excluded the subject site and referred to it only as an area for 'future possible development'. This was approved by the Local Planning Authority in 2013 and built-out accordingly.
- e) It is evident that the level of parking proposed during the course of the construction of both 'Phase 1' and 'Phase 2' of the Local Centre was deemed acceptable by both the Local Planning Authority and Highways Authority to service the Local Centre and any planned surrounding developments at that time.
- f) Finally, in the event that Committee resolve to refuse planning consent for the proposed development on highway related grounds, the parking originally proposed within 'Phase 1' in 2009 will still not be provided and any perceived issues with parking provision within the Local Centre issue will remain, at the loss of a much-needed affordable housing development to service those within the community who are most in need.



## THE PLANNING BALANCE

The Committee Report published in advance of the 6<sup>th</sup> July 2021 Committee confirmed that Gloucester City Council is currently unable to demonstrate the requisite five-year supply of deliverable housing land as is required by the National Planning Policy Framework (NPPF)

NPPF paragraph 11 amplifies the presumption for positive decision taking and explains in Criterion (c) that this means approving development proposals which accord with an up to date Development Plan without delay. Criterion (d) explains the 'tilted balance' in the absence of a satisfactory housing land supply. This adopts a presumption towards planning permission being granted, unless there are adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal, or where the application of policies within NPPF provide a clear reason for refusing the proposed development.

The benefits of a 100% affordable housing scheme in an area of acknowledged need are clear and obvious.

Footnote 6 to NPPF 11 sets out the policies within the NPPF which may provide a clear reason for refusing development, which includes designated heritage assets. The subject site is located relatively close to the Grade II listed Manor Farm to the west and therefore S66 of the Planning (Listed Buildings and Conservation Area Act) 1990 is engaged along with the relevant heritage policies within the Development Plan and the NPPF.

The Local Planning Authority's Conservation Officer has supported the proposal in heritage terms further to the provision of a revised landscape and planting strategy. The overall assessment of the proposal in heritage terms is detailed within the 6<sup>th</sup> July 2021 Committee Report, as follows:

*"It is considered that the scale and materials of the building in this location are acceptable in terms of the setting of the Listed building and therefore the proposal complies with JCS policy SD8 and City Plan policy D1."*

Therefore, with reference to the specific heritage policies within the Development Plan, as the proposal has been found to preserve the setting of the designated asset<sup>1</sup>, with reference to 11c of the NPPF, there are no heritage related policies within the NPPF which provide 'clear reasons' for refusing the development, as no harm to designated heritage assets is caused by the proposal. Therefore, 11d of the NPPF is engaged and planning permission should be granted unless the adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits of the proposal.

The benefits of the proposal are substantial, in providing a scheme of 100% affordable housing, to be provided at local housing allowance levels (secured by S106) in an area with an acute shortage of residential accommodation, and in particular specialist accommodation of this

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<sup>1</sup> *South Lakeland District Council v Secretary of State for the Environment and another [1992] 1 ALL ER 573*



nature. This is evidenced by the accompanying information from the Commissioning Group who unequivocally support the application.

The application has been found to be acceptable in respect of design, residential amenity and landscaping and is supported by the Council's Housing Strategy Officer. The application is further supported by the Council's technical consultees in respect of highways and transport, drainage and flood risk and acoustics.

In summary, there are no adverse impacts arising from the proposed development. In applying the 'tilted balance' test imposed by 11d of the NPPF, there are no adverse impacts associated with granting planning permission that would 'significantly and demonstrably' outweigh the considerable benefits attributed to this affordable housing scheme.

Yours sincerely,



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