

# Gloucester City Council

<b>Meeting:</b>	<b>Overview and Scrutiny Cabinet</b>	<b>Date:</b> 25 April 2022 4 May 2022
<b>Subject:</b>	<b>Gloucester City Plan – Main Modifications</b>	
<b>Report Of:</b>	<b>Cllr Stephanie Chambers – Cabinet Member for Housing and Planning</b>	
<b>Wards Affected:</b>	<b>All</b>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Budget/Policy Framework: No</b>
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<b>Appendices:</b>	<b>1. Inspector’s Post Hearings Letter (August 2021) 2. Schedule of Proposed Main Modifications 3. Policies Map and Policies Map Addendum 4. Sustainability Appraisal Addendum 5. Schedule of Additional Modifications 6. Gloucester City Plan with proposed modifications (tracked changes)</b>	

## 1.0 Purpose of Report

- 1.1 To seek approval from Cabinet for the publication of the Main Modifications to the Gloucester City Plan for public consultation.

## 2.0 Recommendations

- 2.1 Overview and Scrutiny Committee is asked to consider the information in the report and make any recommendations to Cabinet.

- 2.2 Cabinet is asked to **RESOLVE** that:

- (1) **The proposed Main Modifications to the Gloucester City Plan as set out at Appendix 2 (including proposed modifications to the Policies Map), be approved for public consultation, alongside Additional Modifications and the Sustainability Appraisal and Habitats Regulations Assessment addendum.**
- (2) **The correction of any minor errors such as spelling, grammar, typographical and formatting changes that do not affect the substantive content of the plan be delegated to the Head of Place, in consultation with the Cabinet Member for Housing and Planning.**

## 3.0 Background and Key Issues

- 3.1 Local authorities have a statutory requirement to prepare a Development Plan. Gloucester City Council has chosen to do this through the preparation of two key

documents: the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), and the Gloucester City Plan (GCP). Together, they will provide the planning framework for the city until 2031, along with any Neighbourhood Development Plans that are 'made' (currently none) and the waste and minerals plans (prepared by the County Council).

- 3.2 The JCS was adopted in December 2017 and sets out the vision and objectives for the area together with strategic policies for shaping new development up to 2031. The JCS sets the overall need for housing and employment growth, the spatial strategy for meeting these needs and allocates a number of large strategic sites for development.
- 3.3 Whilst the JCS provides the higher-level strategic part of the Development Plan, more detailed, locally specific planning policies and smaller-scale site allocations are provided through individual district-level (second tier) plans. For Gloucester this is the GCP. A key role for the GCP is to help deliver the development requirements and spatial strategy of the JCS and the GCP therefore needs to be consistent and in conformity with it.
- 3.4 The GCP was submitted to the Secretary of State for Housing, Communities and Local Government for examination on 20<sup>th</sup> November 2020. Subsequently, virtual hearing sessions were held during May and June 2021 and the Inspector's 'Post Hearings Letter' was received on 17<sup>th</sup> August 2021, setting out preliminary conclusions (Appendix 1). The letter confirms the GCP is legally compliant, has passed the Duty to Cooperate and can be found 'sound' with 'Main Modifications'.

### **Proposed Main Modifications**

- 3.5 In the Post Hearings Letter, the Inspector has concluded that the GCP is legally compliant, has met the duty to cooperate, but that the Plan as submitted is 'unsound'. However, these soundness issues can be addressed through changes to the plan, known as Main Modifications (MMs) and these are set out in the letter, along with headline reasons. Consequential changes are required to be made to the draft Policies Map, though technically these do not form part of the MMs.
- 3.6 Following receipt of the Inspector's letter, officers have engaged with the Inspector and agreed a schedule of MMs that address the issues identified (Appendix 2), together with changes to the Policies Map (Appendix 3). An addendum to the Sustainability Appraisal and Habitats Regulations Assessment has also been undertaken in relation to the MMs (Appendix 4). The MMs set out are considered by the Inspector to be necessary in order to make the Plan sound and to allow it to proceed to adoption. Other minor grammatical corrections and non-material changes, known as 'Additional Modifications' (AMs), will be permissible without needing public comment or the Inspector's approval (Appendix 5). The Inspector's MMs may also require consequential amendments to some of the policies and reasoned justification. For ease of use, a copy of the submitted plan, with the MMs and other changes shown as tracked changes is provided (Appendix 6).
- 3.7 Once agreed by Cabinet, it is necessary to undergo a period of formal public consultation on the MMs because they are material changes upon which the public and other interested parties are required to have the opportunity to comment on under the Town and County Planning (Local Planning) (England) Regulations 2012.

The consultation will focus on the proposed MMs; it is not the opportunity to raise matters that were, or could have been, part of earlier representations or hearings on the submitted Plan.

- 3.8 The more significant changes required by the Inspector to make the plan sound are summarised below. The Inspector has provided more detailed reasoning in respect of these issues in the Post Hearings Letter.
- 3.9 **Housing and employment provision:** The Inspector is satisfied that the GCP proposes to allocate sufficient deliverable housing and employment sites to meet the needs of the city, as set out in the adopted JCS. Furthermore, that as of the end of March 2021, that the Council has a 5-year housing land supply of 5.0 years. The Inspector was further convinced that the City Council has undertaken a comprehensive search for sites to provide for Gypsy, Travellers and Travelling Showpeople need, that no deliverable sites currently exist in Gloucester City, and that officers are continuing to search for sites to address this need.
- 3.10 However, in relation to general housing and accommodation needs for traveller communities, there is an acknowledged shortfall. On this basis, the Inspector requires additional wording to make clear that the City Council is supportive of windfall developments (those not allocated in the plan) where they are consistent with the policies of the Development Plan.
- 3.11 **Climate change and resource efficiency:** The Inspector considered that elements of the plan should be strengthened with regard to climate change, waste reduction and underused buildings and space, requiring changes to the Vision and Key Principle 1.
- 3.12 **Affordable housing:** The Inspector has concluded that affordable housing is a strategic matter that should be addressed through the JCS, and that the approach set out in the Pre-Submission Plan was not consistent with the provisions of the adopted JCS. This policy has therefore been deleted and planning applications will now be determined in accordance with Policy SD12 'Affordable Housing' of the JCS.
- 3.13 **Homes in Multiple Occupation:** Policy A1 'Effective and efficient use of land and buildings' of the Pre-Submission GCP included provisions relating to Houses in Multiple Occupation. The Inspector felt this issue necessitates a specific policy, which has now been created.
- 3.14 **Accessible and adaptable homes:** In considering the viability of development, the Inspector considers that the requirement for 50% of new homes to meet 'accessible and adaptable' homes standard should be reduced to 25%.
- 3.15 **Cordon Sanitaire – Netheridge Sewage Treatment Works:** The Inspector considered the Cordon Sanitaire policy should be more positively worded and set out circumstances where planning permission would be granted for development. The policy needs to clarify that the boundary is a trigger for odour testing, to protect against proposals that are sensitive to odour and to ensure that proposals would not undermine the effective operate of the sewage works.

- 3.16 **Sustainable transport and parking:** The Inspector considered this policy should be rewritten to set out the sustainable transport criteria against which future development proposals will be determined, and to include parking requirements.
- 3.17 **Site allocations:** Several site allocations have been removed, either because they already have planning permission and development has started onsite (for example 'King's Quarter' and 'Land at Rea Lane', or the Inspector felt they were undeliverable (for example 'Lynton Fields', where the landowner confirmed the site was no longer available for employment development).
- 3.18 The Inspector considered that the indicative capacity of three sites should be increased, namely 67 – 69 London Road (former Prospect House), Great Western Road Sidings and Wessex House. In contrast, the capacity at the Jordon's Brook House has been reduced to allow for a proposal health centre on part of the site.
- 3.19 Other changes are required to address factual matters, such as the introduction of an updated National Planning Policy Framework (July 2021), significant changes to the Use Classes Order through the introduction of new legislation (Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020), and the removal of reference to other plans and strategies from policy wording. There are further consequential amendments in terms of formatting and structure, arising from other modifications, such as policy numbering and order, and the Inspector asked for each policy to be accompanied by additional wording to explain the relationship between the GCP policy and other Development Plan Documents (namely the adopted Joint Core Strategy, Minerals Local Plan and Waste Local Plan).
- 3.20 Furthermore, since the Inspector's post hearings letters was received, new building regulations have been introduced that require vehicle charging points in new development. This renders policy G2 obsolete and this will be deleted.

#### **4.0 Social Value Considerations**

- 4.1 The GCP includes Policy B1 'Employment and Skills Plans', which seeks to generate social value from new developments in Gloucester, through the identification of opportunities for employment and skills opportunities for local people.

#### **5.0 Environmental Implications**

- 5.1 The GCP (along with the adopted JCS) provides a key part of the Development Plan for Gloucester City, setting the sustainable planning framework to 2031. It balanced economic, social and economic considerations to achieve the most sustainable outcome for the city. In this regard, the GCP has been subject to an ongoing and iterative Sustainability Appraisal and Habitats Regulations Assessment process by independent consultants, and the MMs have been subject to further consideration (see Appendix 4)

#### **6.0 Alternative Options Considered**

- 6.1 At this stage in the process, changes to a Local Plan are Inspector-led, being amendments necessary to make the plan 'sound'.

#### **7.0 Reasons for Recommendations**

7.1 The Inspector requires MMs to be made in order that the GCP can be found sound and adopted by the City Council. The MMs are material changes where the public and other interested parties must have the opportunity to comment (Town and Country Planning (Local Planning) (England) Regulations 2021). Therefore, a period of consultation is required, and approval is sought from Cabinet for the MMs, after which this will commence.

## **8.0 Future Work and Conclusions**

8.1 Cabinet approval is sought for the Main Modifications, and other supporting documents, to be subject to a six-week period of public consultation (dates to be confirmed). Following completion of consultation, the responses will be passed to the Inspector for consideration. The Inspector may then decide to hold examination hearing sessions to consider issues further. The Inspector will then issue her final report, the Council may formally adopt the GCP and it may be given full weight in determining planning applications.

## **9.0 Financial Implications**

9.1 The remaining steps in the examination process have officer resource requirements, for example in undertaking the public consultation and potentially attending further examination hearing sessions. Examination costs are factored into existing budgets.

(Financial Services have been consulted in the preparation this report.)

## **10.0 Legal Implications**

10.1 Local authorities have a duty to prepare and keep up to date a Local Plan. The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the statutory procedures for preparing planning policy documents. The GCP has been prepared in accordance with legislation and the National Planning Policy Framework.

(One Legal have been consulted in the preparation this report.)

## **11.0 Risk & Opportunity Management Implications**

11.1 The main risk at this stage relates to resources. However, officer resource has been identified within the Planning Policy Team to progress the MM consultation and next stages of the examination, and adequate budget is secured.

## **12.0 People Impact Assessment (PIA) and Safeguarding:**

12.1 The GCP process included an Equalities Impact Assessment, which did not identify any potential or actual negative impact, therefore a full PIA was not required. An addendum has been completed as part of the Sustainability Appraisal process (Appendix 4).

## **13.0 Community Safety Implications**

13.1 The GCP includes Policy F3 'Community Safety, which seeks to ensure that developments are designed so as to ensure community safety is a fundamental principle in the design and layout of development, for example through maximising natural surveillance and attractive and safe streets.

#### **14.0 Staffing & Trade Union Implications**

14.1 None

#### **Background Documents:**

Gloucester City Plan Pre-Submission (September 2019)

Gloucester City Plan Sustainability Appraisal and Habitats Regulations Assessment (September 2019)