

# GLoucester City Council - Development Control

Committee: | Planning  
Date: | 06.02.2024  
Address/Location: | 26 Heathville Road Gloucester GL1 3DS  
Application No: | 23/00520/FUL  
Ward: | Kingsholm & Wotton  
Expiry Date: | 09.02.2024  
Applicant: | Mr Neil Makhecha  
Proposal: | Proposed internal alterations and change of use from C3 to Sui Generis  
Report by: | Harriet Parker  
Appendices: | Site Location Plan  
Proposed Block Plan  
Proposed Elevation Plan  
Proposed Floor Plan

## Site Location Plan



## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 26 Heathville Road which is which comprises the left-hand side of the pair of semi-detached dwellings found along the eastern side of Heathville Road within the Kingsholm and Wotton ward of Gloucester. The property is currently in use as residential dwelling in use class C3.
- 1.2 26 Heathville is formed of a two-storey red brick dwelling with a hipped roof design of slate tiles which includes two chimney stacks and two dormer windows created to accommodate two bedrooms made in the roof space permitted in 1965 (44/23700/HIST). The property also has a historic two storey rear projection to which a single storey glass 'garden room' is attached and an integrated garage to the front, permitted 1959 (44/23699/HIST).
- 1.3 The dwelling also benefits from off road, tarmacked parking space to the front separated from the highway via a low brick wall and a substantial rear private, garden amenity space to which access can be achieved via the side of the dwelling. Access to the dwelling is achieved via a pedestrian pathway off Heathville Road and down the side of the dwelling to the side facing front door.

The immediate surrounding area along Heathville Road is primarily residential in nature, although immediately adjacent to the proposed site four dwelling have been incorporated into one, privately operated residential car facility. The wider surrounding area continues to be majority residential with the exception of Denmark Road School for Girls to the north along Denmark Rd and to the south the junction of Heathville Rd with London Rd which leads onto more commercial and service uses.

- 1.4 The proposed site is located within the Denmark Road Conservation Area. This area is characterised by large semi-detached Victorian villas of red brick similar to that of the proposed site. However, 26 Heathville Road is not a listed building nor included within Gloucester's Local List (2022).
- 1.5 The application seeks consent for the proposed change of use from a seven-bedroom residential dwelling (C3) to a nine-bedroom house in multiple occupation (Sui Generis) which could accommodate up to twelve residents.
- 1.6 As part of the application external alterations are also proposed to convert the existing integrated garage into a bedroom through the removal of timber garage doors and its small front projection. And introduce two windows flush to the front elevation to match the neighbouring property of no.24 with matching cil and head details. Its is also proposed introduce a new 1.8m high close board fence and gate at the existing side access to the rear and introduce bin and secure bike storage within the patio area to the rear of the dwelling.
- 1.7 Internal alterations are also proposed to facilitate the change to a nine-bedroom dwelling with some ensuite bathroom facilities. As the property is not listed internal alterations can occur without the need for planning permission.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/23697/HIST	21585 (P/75/59):- CONVERSION LIVING ROOM TO GARAGE	Z45REF	17.03.1959
44/23699/HIST	21585 (P/75/59/60):- CONVERSION	Z45APP	21.03.1961

	LIVING ROOM TO GARAGE (RE-SUBMISSION)		
44/23700/HIST	21585 (P/106/65):- TWO BEDROOMS IN ROOF SPACE	Z45APP	18.03.1965
44/23702/HIST	21585 (836/88):- INTERNAL ALTERATIONS TO PREMISES	Z45PDV	03.02.1989

### 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

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

Relevant policies include:

SD4 – Design requirements

SD6 – Landscape

SD8 – Historic Environment

SD10 – Residential development

SD11 – Housing mix and standards

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

#### 3.5 The Gloucester City Plan (Adopted 26 January 2023)

Relevant policies include:

A1 – Effective and efficient use of land and buildings

A2 – Houses in Multiple Occupation

D1 – Historic environment

D2 – Non Designated Heritage Asset

F1 – Materials and finishes.

F6 – Nationally described space standards

G1 – Sustainable transport and parking

G6 – Water Efficiency.

#### 3.6 City of Gloucester Local Plan (Adopted 14 September 1983)

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

#### 3.7 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. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

- 3.8 All policies can be viewed at the relevant website address:- national policies:  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
Gloucester City policies:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

#### 4.0 **CONSULTATIONS**

##### 4.1 **Conservation Officer (31.07.2023) – Objection**

The current proposal, by virtue of the insensitive retention and alteration of a poorly constructed addition to the façade of the dwelling would neither preserve nor enhance the character and appearance of the Denmark Road Conservation Area, nor sustain its significance as a designated heritage asset. The harm would less-than-substantial, but harm none the less. Unless the proposal is considered to be outweighed by any resultant public benefits, the proposal conflicts with paragraph 201/202 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 72(1) of the 1990 Act. The proposal is also contrary to Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted December 2017.

##### 4.2 **Conservation Officer (09.01.2024) – No objection, subject to conditions.**

For the reasons outlined above, it is considered that the current proposal would preserve and enhance the character and appearance of the Denmark Road 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, subject to the inclusion of conditions.

##### 4.3 **Civic Trust – No objection**

The proposal is not clear on the change in the roof space, but if it can be confirmed that the external envelope is not changed, then we have no objection.

##### 4.4 **Housing Projects and Strategy Officer (09.08.2023) – Objection.**

This property for conversion to a 10 room HMO for the accommodation of up to 14 persons is not compliant with the following City Plan policies;

Policy A1: A covered cycle store is required, private amenity space to the rear and the accommodation.

Policy A2: The property requires a second kitchen accessible for the 2nd floor occupants within 1 storey of their accommodation.

Policy A6: As the property will have 10 homes 2 of these homes on the ground floor should be to M4(2) standard.

Policy C1: The HMO property requires the inclusion of a covered cycle shed for a minimum of 10 cycles.

Policy F6: All rooms are NDSS compliant apart from Room 4 as this is proposed by the applicant to be double occupancy.

On this basis, HPST would recommend Refusal

#### 4.5 **Housing Projects and Strategy Officer (09.08.2023) – No objection, subject to conditions.**

This amended plan for a 9 bedroom HMO for the accommodation of up to 12 persons is now compliant with the following City Plan policies;

Policy A1: Effective and efficient use of land and buildings

Policy A2: The plan includes the addition of a second kitchen accessible for the 2nd floor occupants within 1 storey of their accommodation.

Policy A6: As the property will have 9 homes 2 of these homes on the ground floor should be to M4(2) standard.

Policy C1: The HMO property provides the inclusion of a covered cycle shed for a minimum of 9 cycles.

Policy F6: All rooms are NDSS compliant for up to 12 residents.

On this basis, HPST would recommend Approval on the proviso 2 homes is to M4(2) standard.

#### 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified by letter on **27.07.2023** and site notices were displayed at site for 21 days from **18.07.2023**.

5.2 Fourteen letters of objection were received at time of writing, raising the following issues:

- The development is inappropriate in the residential part of Kingsholm and is degradation of a significant property.
- HMO's and care homes are in large numbers on both Heathville Rd and Denmark Rd and is resulting in normal families being squeezed out of this area.
- Change of use will result in a significant increase in the need for parking and the recent parking regulations will cause problems.
- Out of keeping for the conservation area.
- They state it is local knowledge a mental health organisation is planning to occupy this building with people of complex social and mental health needs. The community of Kingsholm is being eroded and states multiple roads within the ward are "turning into mental health wards".
- No control of public nuisance, anti-social behaviour, crime, noise and rubbish.
- No positive impact on the community.
- Object as they don't want to "live in a student ghetto".
- HMO would result in one less property in the housing stock.
- Believes in is contrary to City Plan policy as another HMO across the street would equal more than 10% of properties within 100m radius.
- Object as they believe the proposal will result in unsatisfactory living conditions for residents of no.26.
- Believe the property would be more suited as flats than HMO.

5.3 An objection was made by the Kingsholm and Wotton ward council and wished for the application to be decided upon by the Planning Committee. A summary of their objection is as follows:

- Ask that the proposal be rigorously checked in relation to City Plan A2.
- Concern over the vehicular access and space available for the proposed number of bedrooms.
- Opinion that the living room in the property is too small for the proposed occupants.
- No proposal for safe storage of household waste and recycling, or bicycles.
- Concerned the applicants has not given any details as to the category of tenant.

5.4 Two letters of support was received at time of writing. One letter was received from someone who resides outside the city of Gloucester. And the second letter submitted by a nearby resident supported the application by stating:

- In the current climate (shortage of housing, cost of living, inflation) this sort of development is required.

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

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

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

6.4 Section 16 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 197 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.5 Paragraph 199 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 200 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification.

6.6 Paragraph 201 states that where a proposed development will lead to substantial harm, applications should be refused unless it is demonstrated that the harm is necessary to achieve substantial public benefits, whilst Paragraph 202 states that where a development proposal will cause less than substantial harm to the significance of a designated heritage, that harm should be weighed against the public benefits of the proposal.

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

## 6.8 Principle

Policy A2 of the Gloucester City Plan states that the creation of a House in Multiple Occupation (HMO's) will be permitted where the following criteria can be achieved:

- *The development would not result in any existing residential property (C3 use) being 'sandwiched' between two HMOs; and*
- *The development would not result in the creation of more than two adjacent properties in HMO use; and*
- *HMOs, including the proposed development, would represent no more than 10% of properties within a 100-metre radius of the application property.*

6.9 As stated in the Gloucester City Council Houses in Multiple Occupation: A guide for applicants and decision takers when referring to HMOs in Policy A2 this refers only to Large HMO's unless in an Article 4 Area which this application does not fall within.

6.10 The criteria are addressed as follows:

- 6.11 1. The proposed change of use of no.26 to a large HMO (Sui Generis) would not result in any existing residential property (C3 use) being 'sandwiched' between two HMO's. The neighbouring no.24, no.1-5 The Firs, no.28 and no.30 Heathville Road all consist of residential uses (C3). Therefore, the proposed is considered to comply with criteria 1 of policy A2 of the City Plan.
- 6.12 2. The proposed change of use would not result in the creation of more than two adjacent properties in HMO use. As previously stated the two adjacent neighbours no.24 and no.28 Heathville Road are in residential use (C3). Therefore, the proposed is considered to comply with criteria 2 of policy A2 of the City Plan.
- 6.13 3. In calculating a 100m radius from the proposed site of 26 Heathville Road 48 properties fall within this radius. Of those 48 properties there are currently four registered large HMO properties which are all currently operating as private residential care facilities:
- 27-29 Heathville Road (12 beds)
  - 31 Heathville Road (7 beds)
  - 33 Heathville Road (7 beds)

The proposed change of use to large HMO at 26 Heathville would be the 5th HMO property within a 100m radius of the site. Per the guidance given in the Gloucester City Council Houses in Multiple Occupation: A guide for applicants and decision takers this would calculate to 10.4% of properties within a 100 radius.

6.14 It is understood that the proposed percentage would be above 10.0% but would only exceed it by 0.4% which is deemed to be a marginal increment above the 10.0% and as such is not considered to result in a detrimental increment above the recommended policy limit. This assessment is on the basis of evidence given by an inspector's appeal decision (APP/U1620/W/20/3263401) at 84 Henry Road, Gloucester in 2021. The appeal was regarding an application for a proposed HMO which measured 10.2% within a 100m radius to which the inspector stated that a *'breach of 0.2% above the threshold, would not be numerically excessive'*. As such it is considered that the proposed calculation of 10.4% is acceptable in meeting criteria 3 of policy A2 of the City Plan.

6.15 It is therefore deemed that the principle of the proposed change of use to a large HMO (Sui Generis) in the proposed location is acceptable subject to any other material planning

consideration.

6.16 **Historic Environment**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

6.17 Chapter 16 of the National Planning Policy Framework (2021) sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'.

6.18 JCS Policy SD8 reflects the Act and require that special attention must be given to the desirability of preserving or enhancing the character or appearance of the Conservation Area, while Policy D1 of the City Plan also requires proposals to conserve the character, appearance and significance of designated and non-designated heritage assets and their settings.

6.19 At the initial consultation the council's conservation officer raised an objection the proposed application (31.07.2023) on the grounds that the proposed by virtue of the intensive retention and alteration of a poorly constructed addition to the faces of the dwelling would neither preserve nor enhance the character and appearance of the Denmark Road Conservation Area, no sustain its significant as a non-designated heritage asset. The harm would be less than substantial, but harm none the less.

6.20 Amended plans were received on 10.11.2023 to try and overcome objections from consultees including HPST.

6.21 At re-consultation with the council's conservation officer, they raise no objection subject to conditions. The officer concluded that the current proposed replacement windows has been revised to replicate that of no.24 and subject to the faithful replication of that design would not be considered as an enhancement to the character and appearance of the Denmark Road Conservation Area.

6.22 It is therefore deemed that the proposed change of use is acceptable in terms historic environment impact and is considered to comply with policy SD8 of the Joint Core Strategy (2017) and policies D1 and D2 of the Gloucester City Plan (2023).

6.23 **Design, Layout and Landscaping**

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. Whereas Policy E4 of the Gloucester City Plan states that development should not lead to an increase in flood risk elsewhere and should reduce the cause and impact of flooding in the area and beyond.

6.24 The proposed intends to undertake both external and internal alterations. But as previous stated as 26 Heathville is not a listed building the internal alterations can occur without need for planning permission.



- 6.25 The proposed external alterations include the conversion of the integrated garage back into a bedroom, the removal of the timber garage doors and removal of the slight front projection and replacement with a window to match that of the neighboring no.24. It is also proposed to introduce a 1.8m high fence and gate to the side of the dwelling to secure access to the rear garden. The principle of the removal of the garage and introduction of window is accepted as it is considered to not result in a negative impact upon the Denmark Road Conservation Area as discussed in the Historic Environment section of this report.
- 6.26 The proposed development does not intend to amend the existing layout and/or landscaping of the site as only internal alteration and a slight reduction of front projection is proposed, and the large rear garden is to be maintained. It is therefore accepted that the layout and landscaping of the property is to stay largely the same and there is acceptable.
- 6.27 It is therefore considered that the proposal is acceptable in terms of design, layout and landscaping as it is considered to comply with policies, SD3, SD4, SD6 and SD10 of the Joint Core Strategy (2017) and policy F1 of the Gloucester City Plan (2023).
- 6.28 **Traffic and Transport**  
The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network and Policy G1 supports and encourages improvements to sustainable transport network.
- 6.29 The property has existing tarmacked area to the front of the property accessed via a dropped kerb off Heathville Road which can facilitate off road parking. This area measures approximately 9.2m wide and 6.0m deep at its narrowest point. The proposed With these dimensions and the minimums space required for one car parking space (4.8m x 2.4m) as stated in policy G1 of the Gloucester City Plan a maximum of three vehicles could achieve off road parking. However, with due to the narrow access off Heathville Road of approximately 3.0m it is expected in reality that only two vehicles could use the off-road parking at one time.
- 6.30 Heathville Road since July 2023 is subject to a Traffic Regulation Order (TRO) which introduced yellow lines to protect driveways and junctions, provide parking bays for residents and time-limited parking for non-residents and visitors. The current limit of parking permits per dwelling on Heathville Road (Zone J) is two permits. Therefore, the residents of the proposed large HMO (Suis Generis) are required to comply with the TRO in place and so limit the number of potential vehicles for the address. It is believed that existing on-street parking restrictions would protect the sensitive parts of the nearby roads and prevent unsuitable parking.
- 6.31 It is proposed to situate the sheltered, secure and easily accessible cycle parking to the rear of the dwelling in the form of a 1.8m high close board enclosure measuring approximately 7.8sqm. This location is deemed acceptable as access would be easily achieved via the existing side access from the rear garden to highway. For a nine-bedroom HMO it is required under policy G1 of the City Plan to supply a cycling parking at a ratio of 1 space per bedroom. The proposed cycle storage is deemed to be too small to house a minimum of nine bicycles, but as there is sufficient space to the rear of the dwelling to increase the proposed size of the sheltered, secure cycle parking this shall be achieved through a suitable worded condition.
- 6.32 It is therefore deemed that the proposed change of use is acceptable in terms of traffic and

transport and is considered to comply with policies INF1 of the Joint Core Strategy (2017) and policies G1 of the Gloucester City Plan (2023).

### 6.33 **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. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants and policy A2 of the Gloucester City Plan.

### 6.34 Amenity of neighboring occupants

6.35 The application proposed for minor exterior and internal layout alterations. The exterior removal of garage and slight front projection and the implementation of windows to match the adjoining no.24 is considered to not result in any significant harm to the amenity of residents in adjacent properties. In reality the removal of the garage would result in greater light reaching the windows within the front elevation of no.24. Other than this there is no other proposed alteration to the footprint of the property nor is there any amendment to existing windows or the introduction of any new windows other than the one just referred to.

6.36 It is therefore considered that the proposed change of use to large HMO (Sui Generis) would not significantly affect the amenity of the neighboring properties and is considered to comply with policy SD14 of the Joint Core Strategy and policy A2 of the Gloucester City Plan.

### 6.37 Amenity of future occupiers

6.38 The proposed change from a seven bedroom (C3) residential property to nine-bedroom large HMO (Sui Generis) would result in the increase of two bedrooms in the property. All the proposed nine bedrooms meet National Describe Space Standards and although is not a material planning consideration it is confirmed that all bedrooms also meet the minimum required space per HMO licensing requirements

6.39 All of the proposed nine bedrooms are served by a window providing access to natural light. All but bedroom 9 face to the front or rear of the dwelling and so the likelihood of loss of privacy from sightline of neighbors is believed to be minimal. Bedroom 9 is situated on the side elevation of the roof and so faces directly towards no. 28 and a side facing window of no.28 but as this is an existing window granted consent in 1965 there is already an experienced level potential harm, and the change of use is deemed not to exacerbate that harm and so in balance is deemed acceptable.

6.40 The proposed change of use as discussed further in the Design, Layout and Landscaping section of this report the large rear garden is not proposed to change. The councils HPST officer made comment that an ideal would be to divide the garden to provide each resident individual private outdoor space. It was deemed inappropriate to suggest dividing the large garden to provide each resident their own section as there is an expected level of shared spaces within a HMO as one dwellinghouse, it would result in a negative impact upon a positive feature of the property and the abundance of space is considered sufficient to allow multiple residents of the property to use the space at once.

6.41 The proposed location of bin and cycle storage at the rear of the property is considered to be in an acceptable position which can easily be accessed from the property and carried to the highway for collection and / or access for cycling. The proposed level of cycle provision as discussed in greater depth in the Traffic and Transport section of this report shall be secure through a suitably worded condition. The provision of bin storage shall also be

secured via suitable worded condition.

6.42 It is therefore deemed that the proposed change of use is acceptable in residential amenity of existing neighboring properties and future occupiers and is considered to comply policy SD14 of the Joint Core Strategy (2017) policy A2 of the Gloucester City Plan (2023).

#### 6.43 **Housing Project and Strategy**

6.44 At initial consultation the housing project and strategy (HPST) officer raised objection to the proposed development (09.08.2023) due to a lack of cycle storage provision, the proposed layout of the dwelling and available amenity space.

6.45 Amended plans were received on 10.11.2023 to try and overcome objections from consultees including HPST.

6.46 At re-consultation the HPST officer raised no objection, subject to conditions. The officer found that the proposal assisted with delivery of housing/supply meet housing need in the city, all rooms met NDSS minimum requirements for a dwelling as set out in policy F6 of the City Plan and minimum bedroom requirements under HMO licensing. They also stated that the inclusion of a kitchen on the 2<sup>nd</sup> floor was a welcome addition, and the large rear communal garden was a good feature and a size in which all residents could have a degree of privacy.

6.47 The HPST officer requested the inclusion of a condition for 2no M4(2) standard homes relating to policy A6 of the City Plan. This condition will not be included within this application as the policy requires under criteria 1 that 25% of housing developments should be of a size, configuration and internal layout to enable Building Regulations requirement of M4(2) 'accessible and adaptable dwellings' to be met. The proposed large HMO although would consist of unrelated residents the property is still regarded as one dwellinghouse. The individual bedrooms are not considered to constitute individual housing development and so the requirement of two rooms to meet M4(2) standard is considered not to be reasonable for this proposal and so shall not be included.

6.48 It is therefore deemed that the proposed change of use is acceptable in terms of housing projects and strategy objectives and is considered to comply policy A1, A2, A6, G1 and F6 of the Gloucester City Plan (2023).

#### 6.49 **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. Whereas Policy E4 of the Gloucester City Plan states that development should not lead to an increase in flood risk elsewhere and should reduce the cause and impact of flooding in the area and beyond.

6.50 26 Heathville Road is located within flood zone 1 and there is no proposed expansion of floor space. Therefore, it is considered that the proposed would not contribute towards an increased flood risk in the local area or beyond. As such is considered to comply with policy INF1 of the JCS and policy E4 of the City Plan.

#### 6.51 **Economic considerations**

The construction phase would support employment opportunities and therefore the proposal

would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. 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 weight to the case for granting permission.

## 6.52 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is 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 be granted.

## 7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That planning permission is GRANTED subject to the following conditions;

### **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:

- Proposed Block Plan (5029/PL06A)
- Proposed Front Elevations (5029/PL04B)
- Proposed Floor Plans (5029/PL05C)

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 (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

### **Condition 3**

The development shall be carried out in accordance with detailed drawings of the proposed reinstatement of the proposed windows to the front elevation, at a minimum scale of 1:5 with moulding profiles at full size, including elevations and sections, which have first been submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings.

### **Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located and to ensure compliance with Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

**Condition 4**

Samples of the proposed brick and stone for the reinstatement of the double window lintol, mullion and cill shall be agreed on site by the Local Planning Authority in writing, prior to the commencement of works

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located and to ensure compliance with Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

**Condition 5**

All rainwater guttering and downpipes shall be cast iron or an alternative metal finish details of which have first been submitted to and approved in writing by the Local Planning Authority. Details of the profile and decorative finish of the guttering and downpipes shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site. The guttering and downpipes shall then be installed and maintained for the life of the development in accordance with the approved details.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located and to ensure compliance with Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023) and the NPPF.

**Condition 6**

The development hereby permitted shall not be occupied until plans of cycle storage for a minimum of nine bicycles has been submitted to and approved in writing by the local planning authority 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 and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), Gloucester City Plan (2023).

**Condition 7**

The development hereby permitted shall not be occupied until bin storage have been made available for use in accordance with the submitted plan drawing no. Proposed Block Plan (5029/PL06A) and those facilities shall be maintained for the duration of the development.

**Reason**

To ensure compliance with Policy A1 of the Gloucester City Plan (Adopted January 2023)

**Condition 8**

The estimated consumption of wholesome water per dwelling per day in the development

hereby permitted must not exceed 110 litres of water per person per day.

**Reason**

To ensure compliance with Policy G6 of the Gloucester City Plan (Adopted January 2023).

**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 Gloucestershire Building Control Partnership (our shared service between Gloucester City Council and Stroud District Council) on 01453 766321 option 4,2 or [building.control@stroud.gov.uk](mailto:building.control@stroud.gov.uk) and [www.gbcpartners.co.uk](http://www.gbcpartners.co.uk) for further information or advice on your project.

**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 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls – explanatory booklet.

**Note 3**

Please note that the issuing of planning permission does not grant a licence for the operation of a House in Multiple Occupation. Please ensure the correct licence is obtained prior to use. Failure to do so could result in enforcement action being taken. To apply for a licence please contact [psh.focus@gloucester.gov.uk](mailto:psh.focus@gloucester.gov.uk)

**Note 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:** Harriet Parker (396753)